

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1278 OF 2019
IN
CRIMINAL APPEAL NO. 1039 OF 2019**

Rajendra @ Rajkumar Vasant Pawar .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr. Jaydeep Mane for the Applicant.
Mr. V.V.Gangurde, APP for the Respondent/State.

CORAM: P. N. DESHMUKH, J.

DATED : 15th OCTOBER, 2019.

P.C:-

Issue notice to Respondent. Learned APP waives
service for Respondent/State.

2. Heard Learned Counsel for the parties.

3. Learned Counsel for the applicant submitted that
applicant is falsely involved by the parents of the deceased after her

Wakodikar

death on 1st October, 2015 when deceased committed suicide by hanging, as on the same day, when the statement of her parents were recorded during inquiry of merg registered by concerned Police Station, no allegations are made against the applicant or any member of his family. It is further submitted that since the matrimonial relations between the deceased and applicant were strained prior to incident, they are falsely involved by lodging the false complaint 12 days after the incident. It is, thus, contended that application be allowed as appellant was on bail, pending trial.

4. Learned APP opposed the application contending that there is sufficient evidence establishing applicants involvement in the present crime and thus, prayed that application be rejected.

5. In the background of above facts, from the evidence on record, it is noted that relations between deceased and appellant were strained as there was matrimonial disputes and 15 days prior to incident, appellant had issued notice to deceased to join co-habitation. In the background of such strained relations, it is the case of prosecution that on 01/10/2015, deceased committed suicide by hanging as she was alleged to be illtreated at the hands

of appellant who had instigated deceased for commission of same. Considering the evidence of complainant who is mother of deceased on record, it would reveal that she does not appears to be truthful when she denies to have issued any legal notice to appellant prior to incident nor admits to have given statement of 1st October, 2015 to Police and has also denied its contents contending that she is not aware as to how Police recorded the same. She also denied that her statement, if any, was recorded on the day of incident and is also unaware, if statement of father of deceased was also recorded on the same day. Having been confronted with her statement, same is marked at Exh.48 of which, she denies the contents. In the background of above evidence, evidence of PW-6 Investigating Officer on this aspect is material to be considered when he has admitted that during the course of investigation in merg registered after the death of deceased, statement of PW-1, Mother of deceased was recorded as well as of her father on 1st October, 2015 as per Exh.48, wherein there were no allegations made against any of the accused persons in respect of any kind of harassment provided by them to deceased. He also admitted that as per Exh.67, statement of father was also recorded who aslo had not alleged any harassment at the hands of appellant or his relations to deceased.

In view of above facts, thus, it is crystal clear that inspite of recording statement of parents of deceased immediately after the incident of 1st October, 2015, they did not allege any harassment at the hands of appellant or his relations sufficient to enduce deceased to commit suicide. But, prima facie, it appears that it is only on 12th October, 2015, appellants are falsely involved by lodging report by the mother of deceased.

6. In view of above facts and as maximum sentence imposed to applicant, is for 4 years, for the offence punishable under Section 306 of Indian Penal code, application is allowed as per order below :

ORDER

(a) Applicant shall be released on bail on his executing PR bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount.

(b) While on bail, applicant shall mark her presence with Fauzadar Chawadi Police Station, Solapur, quarterly on the first day of such month, pending trial.

(P. N. DESHMUKH, J.)