

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2500 OF 2018

1. Prasad Dhananjay Bandekar	]	
2. Dhananjay Ladu Bandekar	]	... Applicants

Versus

The State of Maharashtra	]	... Respondent
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WITH

CRIMINAL APPLICATION NO.1529 OF 2018

IN

ANTICIPATORY BAIL APPLICATION NO.2500 OF 2018

Pushpak Rajan Mathekar	]	... Intervener
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IN THE MATTER BETWEEN

Prasad Dhananjay Bandekar & Anr.	]	... Applicants
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Versus

The State of Maharashtra	]	... Respondent
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Mr. A.S. Khandeparkar a/w Mr. Rajdeep Gude a/w Mr.S.N. Rajpurohit
a/w Mr. Rohit Mahadik i/b Khandeparkar & Associates, Advocate for
the Applicants.

Smt. A.A. Takalkar, APP for State/Respondent.

Mr. Hrishikesh Mundargi, Advocate for the Intervener in Cri. Appln.
No.1529/2018.

API Yogesh Ashok Jadhav attached to Sawantwadi Police Station
present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 24th JULY, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.203/2018 registered at Sawantwadi Police Station, District Sindhudurg u/sec. 306 r/w 34 of I.P.C.
2. The FIR lodged is in respect of suicide committed by one Yogita. She was wife of Applicant No.1 and daughter-in-law of Applicant No.2.
3. At the outset, Ld. Counsel for the applicants makes a statement that he is not pressing the application for Applicant No.1 Prasad Dhananjay Bandekar. He makes that statement on the instructions of brother of Applicant No.1 who is present in the court and also taking telephonic instructions from Applicant No.1. The statement is accepted and the application of Applicant No.1 is dismissed as withdrawn.
4. Before this statement was made, the application was argued on merits for a long time and when I expressed my disinclination to grant any relief to Applicant No.1, Ld. Counsel for the applicants prayed for withdrawal of the application in respect of Applicant No.1. Permission

is granted. The application for Applicant No.1 is allowed to be withdrawn. Therefore, I am considering the application of Applicant No.2 only.

5. The FIR is lodged by brother Pushpak of deceased Yogita. He has stated in his FIR that, his sister Yogita got married with Applicant No.1 Prasad on 27/02/2009. It is his case in the FIR that, Applicant No.2 and others were unhappy with their marriage. Within a couple of months from their marriage, her husband and his family started ill treating Yogita. It is mentioned in the FIR that, her husband was addicted to liquor and was sometimes assaulting Yogita. The FIR mentions two incidents where Applicant No.1 had even assaulted the deceased. In so far as Applicant No.2 is concerned, there are allegations that about a year prior to the incident, Applicant No.2 had gone towards her aggressively with a knife in his hand. Apart from that, there are general allegations that Applicant No.2 was also harassing her.

6. Ld. Counsel for the applicant invited my attention to the photographs annexed to the application, to show that, the deceased

was in a happy state of mind and she had participated in their family functions happily. He submitted that, Applicant No.2 is 75 years of age and there are only general allegations against him.

7. Ld. APP as well as Ld. Counsel for the Intervener opposed his submissions. Both of them submitted that, even against Applicant No.2 there are serious allegations.

8. Ld. APP produced the papers of investigation before me which include the statements of neighbors and sister of the deceased. There are also statements of employees of Applicant No.1. The employees' statements shows that, on the date of incident, the deceased had gone to their shop and there was big fight between the couple. There are allegations that, the husband had even tried to assault her and the fight was separated by the employees. Shortly, thereafter she had committed suicide. Thus, it is more than clear that, the fight on that day was the immediate cause for her committing suicide. There is a statement of the child witness i.e., the son of the deceased. He has stated that, the present Applicant No.2 was treating the child properly and there used to be rare occurrence of quarrel between Applicant

No.2 and the deceased. Thus, the child has not stated that Applicant No.2 was harassing the deceased.

9. The statement of sister of the deceased shows that, she herself had discussion with Applicant No.2 and she had requested Applicant No.2 to control Applicant No.1. It is mentioned in her statement that, Applicant No.2 had expressed his helplessness and it is further mentioned in her statement that, the Applicant No.2 had told her that he was physically tired because of his age and he was unable to mediate between the couple.

10. All these statements show that, Applicant No.2 was not really involved in harassing the deceased and that he was not responsible for the deceased committing suicide. In this view of the matter, custodial interrogation of the Applicant No.2 is not necessary. The Applicant No.2 is 75 years of age. No fruitful purpose would be served by arresting him. Hence, the following order.

ORDER

1. The application of Applicant No.1 Prasad Dhananjay Bandekar is dismissed as withdrawn.

2. In the event of his arrest in connection with C.R.No.203/2018 registered at Sawantwadi Police Station, District Sindhudurg, the Applicant No.2 - Dhananjay Ladu Bandekar is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
3. Application stands disposed of accordingly.
4. Intervention Application also stands disposed of.

(SARANG V. KOTWAL, J.)