

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 850 OF 2020

Deepak Shankar Wagh

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. Abhishek Kulkarni, Advocate for applicant

Mrs. V.N. Patil Jadhav, A.P.P. for respondent – State

Mr. A.B. Jagtap, Advocate h/f Mr. S.S. Kotkar, Advocate for complainant

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**CORAM : R.G. AVACHAT, J.
(VACATION COURT)**

DATED : 12th NOVEMBER, 2020

PER COURT :

This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 312 of 2020 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 498A, 323, 504 read with Section 34 of the Indian Penal Code.

2. Heard. Perused First Information Report ("F.I.R.", for short) and related police papers.

3. F.I.R. has been lodged by father of the deceased – Varsha. The applicant married Varsha in June 2019. On marriage, Varsha started residing

at her matrimonial home alongwith the applicant and in-laws. It is stated in F.I.R. that for initial period of 2-3 months Varsha was treated well. Thereafter the applicant, his parents and sister started ill treating her so as to coerce to fetch utensils, furniture and gold chain. Varsh used to relate her woes to her father and brother whenever she would visit their home. Even Varsha was sent to her parent's house to fetch those articles. The informant had, therefore, accompanied to reach her to matrimonial home. Ill-treatment continued unabated. Varsha had even once informed her sister – Ashwini that the applicant and his parents starve her and physically abused her as well. Such ill treatment was in connection with demand of further utensils and gold chain. Shailesh, son of the informant, had therefore bought those articles and delivered them to the applicant at his home and requested to treat Varsha well. Thereafter for some days Varsha was treated well. She had again come to her father's home. She told the informant that the applicant now demanded Rs.50,000/-. The informant and Mahesh Adsure, who acted as go between for settlement of marriage, went to the house of the applicant and paid Rs.50,000/- to his mother. It is further alleged in F.I.R. that Varsha had informed her sister that the applicant did not discharge his matrimonial obligation. There is no consummation of marriage. The applicant and in-laws again started demanding Rs.5 lakh for purchase of fodder manufacturing machine.

4. On 03rd August, 2020 Varsha had come to her father's house for *Rakshabandhan*. She broke down and related her woes to her parents. The informant assured her to pay Rs.5 lakh to her husband in two installments. Varsha was reluctant to go back to her matrimonial home. On 05th August, 2020, Shailesh was to accompany Varsha to her matrimonial home. Varsha was asked to get ready. She, however, went to the field and jumped into a well and committed suicide.

5. Learned A.P.P. would submit that the young bride had to commit suicide within a year of her marriage. The applicant was responsible for Varsha's death. The applicant does not deserve anticipatory bail.

6. Learned counsel for the complainant strongly opposed grant of application.

7. It is unfortunate that a young bride committed suicide within a year of her marriage. The allegations in F.I.R., no doubt, suggests that deceased Varsha had not been treated well by the applicant and her in-laws. The deceased did not leave behind any suicide note. Two days before commission of suicide, Varsha had come to her parent's house. When time came for her return to her matrimonial home, she committed suicide by jumping into a well. It indicates that the deceased took extreme step. I do

not propose to observe what she should have done instead of ending her own life. Parents of the applicant have been granted anticipatory bail by the Additional Sessions Judge. Considering the nature of allegations, custodial interrogation of the applicant is not required.

8. In the factual backdrop of the case, the applicant needs to be granted anticipatory bail. Hence the following order :-

ORDER

(I) Application is allowed.

(II) In the event of arrest of the applicant, in connection with Crime No. 312 of 2020 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 498A, 323, 504 read with Section 34 of the Indian Penal Code, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)