

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 BAIL APPLICATION NO.1398 OF 2020

ANAND GOVIND FARTADE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

.....
Advocate for Applicants : Mr. Undre Vikram S.
APP for Respondents-State : Mr. A. A. Jagatkar
.....

CORAM : V. K. JADHAV, J.
DATED : 11TH DECEMBER, 2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No. 104 of 2020 registered with Ambi Police Station, Taluka Paranda, District Osmanabad for the offence punishable under Sections 306, 498-A read with 34 of IPC. His application with similar prayer bearing Criminal Bail Application No. 216 of 2020 came to be rejected by the Additional Sessions Judge, Bhoom.

2. Learned counsel for the applicant submits that the investigation is almost over for all practical purposes and the formality of filing charge sheet is only remained. The

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applicant is in jail in connection with the present crime since 21.10.2020. Learned counsel submits that the marriage between the deceased and the applicant was performed way back in the year 2004 and the couple was blessed with two sons and one daughter. It has been merely alleged in the complaint that during the lock-down due to the pandemic Covid-19, the applicant and his family members subjected the deceased to cruelty. It has been further alleged that the applicant demanded amount for purchasing a flat at Pune and on account of non-fulfillment of the said demand, extended beating to the deceased. On 19.10.2020, the deceased had committed suicide in her matrimonial home. The present applicant alleged to have abetted the said commission of suicide. Learned counsel submits that there are vague allegations about ill-treatment being extended to the deceased. There are no details as to how much amount the applicant had demanded for purchasing flat. The informant at one place has made allegations about ill treatment being extended to the deceased during the lock-down period only, however, at the next breath the informant

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has alleged about ill treatment at the hands of the applicant and the other family members since four years prior to death of the deceased. Learned counsel submits that no specific instances have been quoted, nor it has been revealed during the investigation. The applicant is ready to abide the conditions if imposed by this Court while enlarging him on bail. The applicant may be released on bail.

3. Learned APP has strongly resisted the application on the ground that even though marriage was performed way back in the year 2004, and though the couple was blessed with two sons and one daughter, the deceased has committed suicide in her matrimonial home. There are allegations about unlawful demand and ill treatment being extended to the deceased on account of non-fulfillment of the said demand. Learned APP submits that the applicant is the husband. The investigation is still going on. The applicant may not be released on bail.

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4. On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that the informant has made vague allegations about ill treatment being extended to the deceased. Furthermore, there are no details as to how much amount the applicant had demanded. If the marriage was performed way back in the year 2004, it is difficult to believe that for the first time during the lock-down period the deceased was subjected to ill treatment on account of certain unlawful demand. I have carefully perused the police papers. It appears that during the course of investigation, the statement of daughter of the deceased and the applicant, namely, Vaishnavi, came to be recorded wherein she has stated that the deceased was having short temper and on the date of incident, the deceased got annoyed on account of the conduct and behaviour of her son and thus, in the heat of anger, the deceased committed suicide. Thus, considering the entire aspect of the case, I am inclined to release the applicant on bail with certain conditions. Hence, following order.

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ORDER

- I. The application is hereby allowed.
- II. The applicant ANAND GOVIND FARTADE be released on bail in connection with Crime No. 104 of 2020 registered with Ambi Police Station, Taluka Paranda, District Osmanabad for the offence punishable under Sections 306, 498-A read with 34 of IPC, on his furnishing PB. of Rs.15,000/- with one surety of the like amount on the following conditions :-
- a] The applicant shall not tamper with the prosecution evidence in any manner.
- b] The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 08.00 a.m. to 11.00 a.m. till filing of the charge sheet.
- III. Application is accordingly disposed of.

(V. K. JADHAV, J.)

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