

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1625 OF 2019

Parmeshwar Subhash Kshirsagar, Age 35 years,
Occ.Agriculturist, R/o.Uplai Thonge,
Tal.Barshi, District Solapur.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Nagraj S. Shinde for applicant.
Smt.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd January 2020

PC :

1. The applicant was arrested on 4th March 2019 in CR No.54 of 2019 registered with Barshi Taluka Police Station for offences under Section 306 of Indian Penal Code.

2. The FIR was lodged by the father of victim on 4th April 2019 alleging that the deceased Laxman had committed suicide on 28th February 2019. The applicant used to harass the wife of deceased since last two years. On 28th February 2019 the applicant abused the deceased and threatened him that he would abduct his wife. There was a quarrel between them. The deceased was under tension. On 2nd March 2019 he left the house without informing anyone. In the afternoon at about 1.15 pm the complainant learnt that the victim had committed suicide by hanging to a tree. ADR/2019 was registered u/s 174 of Cr.P.C. Thereafter FIR was registered on 4th March 2019 against applicant.

3. Learned advocate for applicant submitted that the applicant has been falsely implicated in this case. There is no evidence to constitute offence u/s 306 of IPC. The alleged incident had occurred on 28th February 2019 wherein FIR was lodged on 4th March 2019. There are no previous complaints of stalking or harassment to the wife of deceased. Investigation is complete and charge sheet is filed.

4. Learned APP submitted that on account of continuous harassment by the applicant to the deceased, he committed suicide. The applicant used to harass wife of the deceased. The statement of wife of the deceased supports the prosecution case. She has narrated the incidents of harassment. The statement of Vijay Thonge was recorded. He has stated that there was a previous incident of harassment to the wife of deceased.

5. I have perused the FIR and other documents which form part of charge sheet. The applicant is in custody from 4th March 2019. The charge sheet is filed. The incidents of quarrel and threat to the victim had occurred on 28th February 2019. The victim had committed suicide on 2nd March 2019. There is no cogent evidence with regards to past incidents. The statement of Vijay Thonge was recorded on 12th March 2019 recording the fact that the applicant in 2017 had taken wife of the deceased with him and returned on the same day. This incident has not been referred to by the father of victim in his complaint. The FIR was lodged two days after the incident. It is debatable whether Section 306 of IPC is attracted in this case.

6. Considering the fact that applicant is in custody from the date of arrest and in the factual matrix of the case, bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1625 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.54 of 2019 registered with Barshi Taluka Police Station, Barshi, District Solapur, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Barshi Taluka Police Station once in a month on every first Saturday between 11 am and 1 pm;
- (iv) The applicant shall not contact or meet the family of deceased.

(PRAKASH D. NAIK, J.)

MST