

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.79 OF 2020

Ramdas Maruti Garud

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....
Mr.Sumit V. Khaire, Advocate for the Applicant.

Mrs.Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 13, 2020.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.796 of 2019, registered with Sangvi Police Station, District-Pimpri Chinchwad, for the offences punishable under Sections 498-A and 306 read with 34 of Indian Penal Code (“IPC”, for short). The First Information Report (“FIR”, for short) was lodged on 13th November, 2019, by the brother of the victim. It is alleged that the marriage of the victim was solemnized with Bhushan Ramdas Garud three years ago. The victim was allegedly subjected to harassment. The applicant is the father-in-law of victim. Undisputedly, he was residing separately. Out of the wedlock, one child was born, who was aged

about two years at the time of incident. The victim committed suicide on 11th November, 2019.

3 Learned counsel for the applicant submitted that, the applicant was residing separately. The complaint is false. The victim was also residing separately along with daughter. The first informant has stated that most of the time the husband of the victim was residing with his parents. It is submitted that it was a second marriage for the victim. She had suppressed the previous marriage. The previous husband of the victim had lodged complaint against the victim. The victim was suffering from the disease Disorganised Schizophrenia. She was admitted in hospital. Wife of the applicant had lodged complaints against the victim and her family. Police had issued notice under Section 149 of Cr.P.C. to the family members of the complainant. Similar notice was issued to family members of victim during previous marriage. The applicant has not abetted the victim to commit suicide.

4 Learned APP submitted that the marriage between the victim and accused no.1 was performed three years prior to incident. The victim was subjected to harassment, as spelt out in the FIR.

5 I have perused the documents on record. In the FIR itself, it is mentioned that the father-in-law and mother-in-law were residing separately. It is also apparent that the victim was staying separately along with her daughter. Accused no.1 (husband) used to stay with his parents on most of the occasion. There are repeated complaints filed by the applicant's family against the family of the victim. The said complaints were registered as N.C. complaints. Even, prior to incident, the complaint was forwarded by the applicant's to the police station. The medical documents with regards to ailment of the victim are on record. She was treated in hospital by the applicant's family. She was suffering from Disorganised Schizophrenia, she was admitted in hospital on 29th May, 2019. She was discharged from the hospital against the advise of the doctor's at the instance of the mother of victim. The concerned police station had issued notices to the victim and her family members under Section 149 of Cr.P.C. on 26th April, 2019, and intimated them not to commit breach of peace. In the circumstances, no case for grant of custodial interrogation is made out. On certain terms and conditions, the applicant can be granted protection under Section 438 of Cr.P.C.

5 Hence, I pass the following order:

:: O R D E R ::

- (i) Anticipatory Bail Application No.79 of 2020, is allowed;
- (ii) In the event of arrest of Applicants in connection with C.R.No.796 of 2019, registered with Sangvi Police Station, District-Pimpri Chinchwad, he be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (ii) Applicant shall attend the investigating officer on 15th to 17th January, 2020, between 11:00 a.m. to 01:00 p.m., and, thereafter, as and when called for, till filing of the charge-sheet;
- (iii) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)