

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 171 OF 2020

Bhushan Ramdas Garud

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

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

Smt. A. A. Takalkar, APP for the State-Respondent.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd January, 2020

PC :

1. 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 applicant three years ago. The victim was allegedly subjected to harassment. 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.

2. It is submitted by advocate for applicant that the complaint is

false. The victim was residing separately along with daughter. The first informant has stated that most of the time the applicant 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 Disorganized Schizophrenia. She was admitted in hospital. Mother of applicant had lodged complaint 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.

3. Learned APP submitted that the marriage between the victim and applicant was performed three years prior to incident. The victim was subjected to harassment, as spelt out in the FIR.

4. Learned counsel for the applicant submitted that the complaint was submitted by the father of the applicant on 13th May, 2018 to Sangvi Police Station that the victim and her relative had threatened that the victim would cause to harm her life and impleaded there in the false case.

5. Learned APP submitted on 2nd November, 2019 N.C. complaint was lodged by the victim alleging that the applicant had assaulted

her by giving fist blows. The applicant is husband of the victim. He has been attributed role of assault.

6. 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. Applicant 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 family 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 Disorganized 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, applicant need not be subjected to custodial interrogation. On certain terms and conditions, the applicant can be granted protection under Section 438 of Cr.P.C.

7. The father of the applicant had preferred application for anticipatory bail before this court which was allowed vide order dated 13th January, 2020. Considering the aforesaid circumstances case for grant of anticipatory bail is made out.

ORDER

- i) Anticipatory Bail Application No. 171 of 2020 is allowed;
- ii) In the event of arrest of Applicant 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 PR. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- iii) The applicant shall attend Investigating Officer on 29th, 30th, & 31st January, 2020 between 11.00 a.m. to 1.00 p.m.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)