

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 877 OF 2020

Kamlesh Kashinath Dusane ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Shailesh S. Kharat for the Applicant.

Mr. P.H.Gaikwad, APP for the Respondent -State.

.....

CORAM: V.G.BISHT, J.
(VACATION COURT)

DATE: 23RD DECEMBER 2020

PC:-

1. This is an application under Section 438 of Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with C.R. No. 257 of 2020 registered with Tardeo Police Station, Mumbai under Sections 306, 498 A read with 34 of the Indian Penal Code.

2. An FIR is lodged on 19th October, 2020 by one Rajendra Sonar, father of deceased Harshali, who committed suicide on 19th October, 2020 by hanging herself in her matrimonial home. The present applicant is brother of deceased's husband.

3. Heard Mr. Kharat, learned Counsel for the applicant and Mr. Gaikwad, learned APP for the State.

4. As per the contents of FIR, the deceased was married to Yogesh Kashinath Dusane on 1st December, 2019, who has also been made an accused along with other family members. Four days after the wedding when Harshali i.e. deceased met informant-father, she told him that her sister-in-law, namely, Anuradha Vispute (accused) is in habit of quarreling with her and taunts her. It is alleged that even the deceased's husband was supporting his sister Anuradha and had told deceased that he even leave her if Anuradha told him to do so.

5. FIR then shows that on 16th October, 2020, deceased telephonically called informant-father and told that Kamlesh (present applicant) and Yogesh (husband-accused) were pressurizing her to talk with Anuradha on telephone and therefore, she requested informant-father to take her to parental house. Informant-father deputed his son Mohit who visited conjugal home of deceased and persuaded deceased, her husband and other family members and came back. However, on 19th October, 2020,

deceased committed suicide and accordingly the FIR came to be filed.

6. Mr.Kharat, learned Counsel for the applicant, submitted that the entire set of accusations are levelled against the accused Anuradha and the only accusation against the present applicant is that on 16th October, 2020 he had given a fist blow on the back of deceased. This is the only allegation which does not in any manner require custodial interrogation. Moreover, no role is attributed on his part to show that he in any manner caused abetment.

7. The learned APP, on the other hand, relied on the contents of FIR and prayed for rejection of the application.

8. I have considered rival submissions in the light of the contents of FIR. In my opinion rightly it has been submitted at bar that no cogent and convincing evidence is on record to show that the present applicant in any manner contributed or abetted the death of deceased. The main allegations are against accused Anuradha Vispute. It is also to be noted from the contents of FIR

that because of the treatment meted out to her at the hands of Anuradha Vispute, the deceased was disturbed.

9. In view of the above facts and circumstances and the fact that custodial interrogation of the applicant is not required, the present application deserves consideration. Hence, the following order:

ORDER

(i) In the event of arrest of the applicant in C.R.No. 257 of 2020 registered with Tardeo Police Station, Mumbai for the offences punishable under Sections 306, 498 A read with 34 of the Indian Penal Code, the applicant be enlarged on bail on his furnishing PR. Bond & SB in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only);

(ii) The applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigating agency;

(iii) Application stands disposed of accordingly.

10. Parties and all concerned to act on an authenticated copy of this order duly issued by Personal Assistant/Court Sheristedar of this Court.

(V.G.BISHT, J.)

**Trupti
Bhamne** Digitally signed
by Trupti Bhamne
Date: 2020.12.23
20:29:33 +0530