

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

CRIMINAL BAIL APPLICATION NO. 1301 OF 2020

1. Vasant Kisan Shelke
2. Smt. Hira Vasant Shelke Applicants

Versus

The State of Maharashtra Respondent

Mr. Satyaram R. Gaud for Applicants.
Mr. Amit A. Palkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th DECEMBER, 2020

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No. 18 of 2020 registered at Bhandup police station, on 13/01/2020, under sections 304B, 306, 498A, 504 and 506 r/w.34 of the Indian Penal Code (for short 'IPC;').

2. The present applicants are parents of the husband of deceased Manisha. She had got married with the applicant's son Saiprasad in the year 2018. Manisha had studied up to C.A. Final

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and she was gainfully employed. The FIR mentions that the present applicants, Manisha's husband Saiprasad and sister in law Jyoti, used to harass her mentally and physically. They used to demand Rs.25 lakhs because they had purchased a new house. It is mentioned in the FIR that, on 12/01/2019 around 3.00p.m. Manisha called the informant telephonically and told him to take her to her parental house. Manisha told him that her husband was abusing her and applicants were also causing harassment. The applicant No.1 came aggressively towards her. Manisha's husband told her to leave their house immediately and he had in fact kept her bag ready. On 12/01/2020, at about 7.00p.m. Manisha and applicant's son attended a marriage function at Badlapur. Manisha's husband stayed aloof during the ceremony. Thereafter, the informant, Manisha and her husband boarded a train to go to Bhandup. At Thane, Manisha's husband got down from the train and went away. The informant and Manisha started going to Bhandup in a rickshaw. At that time, Manisha told him that the applicant No.2 had passed derogatory remarks about Manisha's lifestyle in her parents' house and had demanded Rs.25 lakhs for

repayment of the loan taken for purchasing a flat. At around 10.00p.m., informant and Manisha reached their parental house. In the night itself Manisha committed suicide by hanging herself. On these allegations the FIR is lodged. Both applicants were arrested on 13/01/2020 along with their son. Their son was subsequently released on bail. The applicants' daughter was granted anticipatory bail.

3. Heard Shri. Satyaram Gaud, learned counsel for the applicants and Shri. Palkar, learned APP for the State.

4. Learned counsel for the applicants submitted that, there is hardly any role attributed to the applicant No.1. He submitted that, applicant No.2's role is on par with that of Manisha's husband and sister in law. He submitted that, Saiprasad is granted regular bail and Jyoti is granted anticipatory bail. He submitted that, therefore, both applicants deserve to be released on bail. He further submitted that the statements of Manisha's friends Teju More and Varsha Khan, in fact, show that there was no

demand of any money, as alleged in the F.I.R. Teju More, in particular, has blamed Manisha's sister in law. The important statement is that of Prajakta who was wife of the informant. Learned counsel for the applicants submitted that, her statement appears to be exaggerated version of the actual incident.

5. The learned APP relied on the suicide note left behind by the deceased. In that note, the applicant No.2 and Manisha's sister in law were blamed. There is no reference to applicant No.1 in that suicide note. He submitted that, at least, applicant No.2's role is clearly established.

6. I have considered these submissions. Saiprasad, husband of Manisha is already granted bail. His role is more or less similar to both the applicants. However, he is not blamed in the suicide note left behind by the deceased. The allegations in the F.I.R. in respect of demand of money are not really supported by the statements of Teju More and Varsha Khan. The allegations, in particular, against the applicant No.1 are not serious and there are

general statements that he was also harassing the deceased. There are, undoubtedly, certain allegations against the applicant No.2 that she used to cause harassment regularly and used to demand money to the tune of Rs.25 lakhs from the deceased. However, both the applicants are arrested on 13/01/2020. Their further custody for investigation purposes is not necessary. The statements of Teju More and Varsha Khan are significant because the deceased regularly used to have communication with them and there is no mention of demand of money. Therefore, corroborated version of the informant is restricted to the allegations of harassment on petty domestic issues. The husband and sister in law of the deceased are already granted relief in the nature of regular bail order and anticipatory bail order. Considering all these factors together, no purpose will be served by keeping the applicants in custody during the entire period of trial. They do not have criminal antecedents. Therefore, the applicants can be granted regular bail.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 18 of 2020 registered at Bhandup police station, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.
- (ii) Looking at the prevailing circumstances, it may not be possible for the applicants to furnish sureties immediately. Therefore, initially the applicants are permitted to furnish cash bail for the same amount. The applicants will have to furnish the sureties, as directed, within three months from today.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)