

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.117 OF 2021

**VISHWAS GODHAJI GADHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Y.V. Kakade, Advocate for applicants

Mrs. D.S. Jape, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 16th MARCH, 2021.

ORDER :

1 Present applicants have been arrested in connection with Crime No.1103/2020 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offence punishable under Section 306, 304-B, 354, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860. They have filed this application for bail under Section 439 of the Code of Criminal Procedure, 1973.

2 Heard learned Advocate Mr. Y.V. Kakade for applicants and learned APP Mrs. D.S. Jape for the respondent.

3 It has been submitted on behalf of the applicants that deceased

was their daughter-in-law. First Information Report has been lodged by one Balasaheb Raghunath Bhawle. His daughter Swati @ Gayatri got married to applicants' son Rahul on 30.06.2020. It is alleged by the informant that when Gayatri had gone to his house on 22.11.2020 for Diwali, at that time she had informed that the present applicants, her husband and brother-in-law were harassing her, stating that he has not given her household. They were demanding amount of Rs.2,00,000/- to purchase household articles or the amount should be brought in cash. At that time, the informant told daughter that since he has incurred expenses in the marriage, he is unable to fulfill the demand, but then he persuaded his daughter and sent back. Thereafter, Gayatri's mother told the informant that the brother-in-law is keeping an ill eye on her. The informant further states that Gayatri used to give call to the parents, now and then, and used to inform about the harassment on the said grounds. The informant also says that he had informed the present applicants about his inability to fulfill their demand, but at that time the applicants have opposed him and told that he should take back his daughter. On 16.12.2020 he received phone call from Rahul stating that Gayatri has become unconscious due to fall in the house, and therefore, they should come, and therefore, informant and family members went to Rural Hospital, Shevgaon. It was revealed to them that Gayatri has committed suicide. He states that his wife became ill, and therefore, he could not lodge the report

immediately. Therefore, he has lodged the report on 20.12.2020.

4 After taking this Court through the FIR, the learned Advocate for the applicants submitted that there is delay in lodging the report and it cannot be said that it is satisfactorily explained. In fact, the fact of suicide was informed by Rahul to the police. There was no such harassment to the deceased and now, for some reason, when she has committed suicide, the informant wants to blame all the family members. In fact, just prior to the date of incident the mother of present applicant No.2 had expired. The death certificate has been produced on record to show that one Kaushalya Ganpat Waghmare expired on 03.12.2020 and applicant No.2 had gone for the rituals of 10th days and onwards to her parental house. The present applicant No.1 runs a grocery shop and the Shop Act licence has been produced to support the said fact. When the applicants were well to do, there was no need for them to demand any money. But, now, the concocted story has been built. The applicants are aged and their further physical custody is not required for the purpose of investigation. Therefore, they deserve to be released on bail.

5 Learned APP strongly opposed the application and submitted that deceased got married on 30.06.2020 and within six months she found the circumstances in such a way that she has committed suicide. The suicide

has been committed in the house belonging to the applicants i.e. husband and the relatives, and therefore, they are supposed to explain the circumstances or reason, as to why she would have committed suicide. It is unnatural death, and therefore, they deserve no sympathy. Some statements have been recorded and they state that deceased Gayatri had informed her relatives that she is being harassed for the demand of Rs.2,00,000/-. Even the brother-in-law has outraged her modesty and was keeping an ill eye on her. Release of the present applicants may hamper the further investigation which is still pending.

6 It is to be noted that the present applicants are the parent-in-laws of deceased Gayatri. It appears that initially Rahul had informed about the accidental death to police. Deceased was found hanging in the house. The Post Mortem Report shows surface wound in column No.17 as follows :

“Abrasions over left great toe present. No active bleeding. Legature mark measurement length in 19 cm x 2.5 cm breadth. 3 cm below right pinna and 3 cm below left pinna. Gap of 7 cm present. Knot present over submental region.

3) Areas of hyperaemia and ecchymosis present.

On internal dissection of neck :-

- i) Blood vessels, Bone's - Normal
- ii) Trachea :- mild hyperemia present. Minimal froth present

- iii) Areas of white Subcutaneous tissue present beneath mark”

Further, the cause of death is given as, “Cardio – respiratory arrest due to asphyxia due to hanging. However, viscera preserved for chemical analysis and final opinion”. Therefore, as on today the theory of suicide has been placed. Now, nothing is required to be recovered at the instance of the present applicants. Though it is stated that all the accused used to demand amount of Rs.2,00,000/-, it is stated that, Gayatri used to say that all the accused persons used to abuse her and keep her starve. It is said to be the acts of harassment. It is, therefore, required to be considered, as to whether they are of such a nature that they had not left deceased Gayatri but to commit suicide. Therefore, taking into consideration the progress in the investigation, relationship of the present applicants with the deceased and their age, they deserve to be released on bail. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicants viz. 1) Vishwas Godhaji Gadhe and 2) Sunita Vishwas Gadhe, who have been arrested in connection with Crime No.1103/2020 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offence

punishable under Section 306, 304-B, 354, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) each with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only).

3 The applicants shall not tamper with the evidence of the prosecution, in any manner.

4 They shall not indulge in any criminal activity.

5 The applicant No.1 shall attend the Shevgaon Police Station, Dist. Ahmednagar on every Sunday between 10.00 a.m. to 02.00 p.m., till filing of charge sheet. So also he should comply with the requirements under paragraph Nos.12 (1) to (6) of Chapter I of Criminal Manual, (whichever are applicable).

6 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)

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