

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.296 OF 2021

SHIVAJI BHALCHANDRA GADEKAR

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. K.A. Kale, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 27th APRIL, 2021.

ORDER :

1 Present applicant has been arrested on 15.02.2021 in connection with Crime No.22/2021 dated 15.02.2021 by Police Station Paradh, Tq. Bhokardan, Dist. Jalna, for the offence punishable under Section 498-A, 306 read with Section 34 of the Indian Penal Code, 1860. He has filed the present application under Section 439 of the Code of Criminal Procedure, 1973.

2 Heard learned Advocate Mr. K.A. Kale for the applicant and learned APP Mr. A.M. Phule for the respondent. In order to cut short it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report, which is lodged by one Shila Prabhakar Modke, would show that she is the mother-in-law of the present applicant. Her daughter Monika got married to present applicant on 10.12.2017. She says that her daughter was treated properly for about 5-6 months after marriage. However, thereafter she used to make complaint against the father-in-law Bhalchandra stating that he was making allegations that her character is not good. Her mother-in-law used to abuse her and harass her on trifle grounds. It was also informed by the deceased to the informant that present applicant used to say that he wants to start his own business and wants to purchase a luxury bus. He used to insist that Monika should bring amount of Rs.10,00,000/- from her parents. Informant used to advise her and assured that whenever it would be possible for them to help her financially she would help. It is further contended that Monika had gone to parents house for delivery. The expenses was almost Rs.1,00,000/-. After she returned to her matrimonial home, it is stated that the present applicant and his parents again started demanding the amount to Monika and she was assaulted by the parents-in-law. Even threat on the phone was given to the informant. Monika had also informed the informant that her life has become miserable as she is not able to fulfill the demand of in-laws and husband. On 14.02.2021 Monika told her brother Amol on phone that her family members are harassing her, and therefore, she has no wish to stay with them and he

should take her back. Amol told that he would bring her next day. However, on the same day Monika committed suicide. From the remand report and the police papers, which are made available, it appears that she has committed suicide by hanging, but she had left suicide note. If the suicide note is perused, it clearly says that she is not blaming anybody. She has expressed deep sorrow, stating that she has been compelled to commit suicide and this is the interpretation, that has been done by the learned Additional Sessions Judge. However, on the basis of the wordings, those have been used in the suicide note and when the deceased had the opportunity to put forth everything in black and white, still she has preferred not to blame anybody, and therefore, whether the circumstances can be fitted in the ingredients of Section 306 and/or 109 of the Indian Penal Code, would be a question. For that purpose the applicant need not be asked to remain in jail. Nothing is required to be recovered at the instance of the present applicant, and therefore, he deserves to be released on bail under Section 439 of the Code of Criminal Procedure. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant Shivaji Bhalchandra Gadekar, who has been arrested in connection with Crime No.22/2021 dated 15.02.2021 by Police Station

Paradh, Tq. Bhokardan, Dist. Jalna, for the offence punishable under Section 498-A, 306 read with Section 34 of the Indian Penal Code, 1860, be released on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only).

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

4 He shall not indulge in any criminal activity.

5 He should cooperate with the investigation and remain present before the Investigating Officer as and when required, for which Investigating Officer to give 48 hours notice in advance.

6 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)

agd