

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 314 OF 2021

Parshuram Yadav Lokhande

Applicant

Versus

The State of Maharashtra

Respondent

Mr. N.V. Gavare, Advocate for the applicant.

Mr. S.D. Ghayal, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 29th June, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure.

2. Heard.

3. Allegations in the First Information Report against the applicant are that the deceased Malan married the applicant about ten years since before the incident. The informant is the brother of the deceased. The deceased committed suicide on 30th November, 2020. On 6th December, 2020, the informant filed the First Information Report alleging that after one year of the marriage, the

deceased was subjected to ill-treatment by the applicant saying that she was not a good cook, she was not good looking and she did not do the household chores properly. It is also alleged that the applicant got addicted to drinking liquor and used to demand money from the deceased. Applicant used to beat the deceased if money was not paid for his vices. About four months before the incident, the deceased was subjected to beating by the applicant. Therefore, the deceased had filed a complaint with Police Station, Jamkhed. When ill-treatment became unbearable, the deceased committed suicide by hanging on 30th November, 2020, at 1.00 pm. She was immediately shifted to the hospital. During treatment, she died on 5th December, 2020 at 11.30 am. Thereafter, on 6th December, 2020, the informant lodged the report.

4. Shri Gaware, learned counsel for the applicant submitted that vague allegations are made against the applicant. The span of marriage was of ten years. No complaint of whatsoever nature was filed prior to the incident. The incident of beating and filing of complaint referred to in the First Information Report was settled soon after the complaint was lodged. He further argued that in that complaint, no allegations of ill-treatment and illegal demand of

money for drinking liquor were made. He argued that for the first time in the First Information Report dated 6th December, 2020, these allegations are being made. He, therefore, prayed for releasing the applicant on bail.

5. Learned APP Shri Ghayal submitted that the deceased was subjected to severe ill-treatment. He submitted that the police have recorded statement of the Medical Officer Dr. Prashant Gaikwad who was treating the deceased. He argued that said Medical Officer has stated that after the deceased was admitted in the hospital, on enquiry he stated that she hanged herself because of the ill-treatment by the applicant and his parents. Learned APP submitted that this statement is in the nature of Dying Declaration. He argued that this clearly shows that the deceased was subjected to severe ill-treatment on account of which, she was left with no alternative but to embrace death. He, therefore, prayed for rejection of the application.

6. It is not in dispute that the deceased had made a complaint to the police station against the applicant. Said complaint was filed about four months prior to the date of the incident. It is also not in dispute that the allegations of cruelty and demand of

money for drinking liquor appear to have not been made in that complaint by the deceased. Statement of Dr. Gaikwad shows that it was recorded on 31st January, 2021. No plausible explanation is being offered as to why the statement of the Medical Officer was recorded so late. Moreover, the offence under Section 306 of the Indian Penal Code is not punishable with death or imprisonment for life. Having regard to the pandemic situation and the fact that the trial is not likely to be completed within a reasonable period, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount in connection with Crime No. 760/2020 registered with Jamkhed Police Station, District Ahmednagar for the offences punishable under Sections 306, 498(A), 323, 504, 506 read with Section 34 of the Indian Penal Code.
- iii) Application stands disposed of.

(M. G. SEWLIKAR)
Judge