

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 601 OF 2021

Nagorao s/o Vitthalrao Kalurkar,
Age : 63 years, Occu : Agri.
R/o : Bhishi, Tq. Kinwat, Dist.Nanded ... Applicant

VERSUS

The State of Maharashtra
Through P.S. Bhokar,
Tq. Bhokar, Dist. Nanded ... Respondent.

...

Advocate for the Applicant : Mr. G. P. Shinde
APP for the Respondent – State : Mr. V. S. Badakh

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CORAM : V. G. BISHT, J.

DATE : 02nd SEPTEMBER, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 169/2021, registered with Bhokar Police Station, Taluka Bhokar, District Nanded for the offences punishable under Sections 306, 498-A, 323 read with Section 34 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that Jaishree (since deceased) was married to accused Gajanan Nagorao Kalurkar

on 01.05.2012. Present applicant is the father-in-law of the deceased. After the birth of a son accused husband started asking her to bring moneys so as to run a shop. Accused husband, applicant and accused Sunanda Nagorao Kalurkar, who is mother-in-law, then started harassing the deceased. Ultimately, on 19.05.2021 the deceased committed suicide by jumping into a well.

3. Mr. Shinde, learned counsel for the applicant, submits that there are vague allegations of harassment. According to him at the time of alleged incident the applicant and his wife were residing at Bhisli, Tq. Kinwat, Dist. Nanded and were taking care of their agricultural land. They have been simply and falsely implicated.

4. Mr. V. S. Badakh, learned APP for the Respondent – State, on the other hand, opposed the submissions by contending that because of the constant physical and mental harassment of the deceased at the hands of applicant and other accused the deceased committed suicide. There being no merit in the application, the same is liable to be rejected.

5. A careful perusal of the First Information Report would clearly reveal that there are vague and general allegations of

harassment against the present applicant. It is also to be noted that the deceased was married in the year 2012 whereas she allegedly committed suicide in the year 2021. It is after almost nine years of the marriage. Having regard to the nature of allegations levelled against the present applicant, I am of the view that there is no necessity of custodial interrogation. This being so, the application deserves consideration.

6. In view of above, I pass the following order :

ORDER

- (1) The Application is allowed.
- (2) Interim relief granted by this Court on 25.06.2021 is confirmed and made absolute.
- (3) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**

shp/-