

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

927 BAIL APPLICATION NO.1005 OF 2021

Ajay s/o Prabhakar Deshmukh
Age: 35 years, Occu.: Agriculture,
R/o. Charthana, Taluka Jintur,
District Parbhani. ..Applicant/Accused

VERSUS

The State of Maharashtra,
Through Charthana Police Station,
Taluka Jintur, District Parbhani. ..Respondent

Advocate for Applicant : Shri S.J.Salunke h/f.
Shri Harshad H. Padalkar
APP for Respondent : Shri G.O.Wattamwar

CORAM : M.G.SEWLIKAR, J.

DATE: 23rd November, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No.0058 of 2021 registered with Charthana Police Station, Charthana, Dist.Parbhani, under Sections 306, 304B, 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Applicant is the husband of the deceased Ashwini. Their marriage was performed in 2015. It is alleged that the deceased was not happy with the applicant as applicant had illicit relations

with his brother's wife. They used to behave indecently in her presence. It is further alleged that the applicant and his parents made unlawful demand of Rs.2,00,000/- for construction of house. Since she did not pay the amount, she was subjected to ill treatment. When ill treatment became unbearable for her, the deceased Ashwini committed suicide by hanging.

3. On the FIR of father of the deceased, Crime No.0058 of 2021 was registered under the aforesaid Sections.

4. Heard Shri S.J.Salunke, learned counsel for the applicant and Shri G.O.Wattamwar, learned counsel for the respondent-State.

5. Shri Salunke, learned counsel for the applicant submits that the deceased committed suicide for the reason that marriage of her brother was scheduled on 25th May, 2021. He submits that applicant did not permit her to attend that marriage. He submits that out of frustration she committed suicide. There are statements of witnesses who are close relatives of the deceased to the effect that the deceased committed suicide because of alleged illicit relations between Priyanka (wife of brother of applicant) and applicant and because of refusal of applicant to send her for marriage. He submits that there is no whisper in the

statements of close relatives about unlawful demand.

6. Shri G.O.Wattamwar, learned APP for the respondent-State submits that the informant and his son Gopal have stated in their statements about unlawful demand of Rs.2,00,000/- for construction of house. He further submits that the deceased was subjected to ill treatment on account of failure to meet the said unlawful demand.

7. Admittedly, the deceased committed suicide by hanging. Statement of son of the deceased by the name of Atharva has been recorded. He has narrated the incident which happened in his presence on the date on which she committed suicide. He has stated in his statement under Section 161 of the Code of Criminal Procedure that there was a quarrel between the deceased and his father i.e. applicant. So far as other close witnesses are concerned, all of them have stated that deceased was not happy with her husband i.e. applicant on account of his illicit relations with wife of brother of the applicant. None of these witnesses say about unlawful demand being made by the applicant and his father. These witnesses have stated that the deceased committed suicide because of the alleged illicit relations between the applicant and his brother's wife Priyanka and also on the count that the deceased was not permitted to

attend the marriage of her brother. In this view of the matter, *prima-facie* there is no positive evidence indicating that the applicant had made unlawful demand of Rs.2,00,000/- and that she was subjected to ill treatment on account of non-fulfillment of said unlawful demand. Even if it is accepted for the sake of argument that there was unlawful demand, allegations in this respect are vague. Applicant is involved in three cases under Section 12A of the Maharashtra Prevention of Gambling Act. Applicant is not involved in any offence involving bodily offences. In this view of the matter, since offence is not punishable with death or imprisonment for life and applicant has no criminal antecedents, I am inclined to release the applicant on bail. Hence, the order.

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.0058 of 2021, registered with Charthana Police Station, Charthana, Dist.Parbhani, under Sections 306, 304B, 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.
- iii) Bail Application is disposed of.

iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT