

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

922 ANTICIPATORY BAIL APPLICATION NO.1163 OF 2020

**1] GANESH PANDHARINATH BHOSALE
2]VARSHA W/O GANESH BHOSALE
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicants : Bobde Sopan G.
APP for Respondents: P.G.Borade**

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**CORAM : MANGESH S. PATIL, J.
DATE : 25.02.2021**

PC. :-

This is an application under Section 438 of the Cr.P.C. as the applicants are apprehending their arrest in connection with Crime No.310/2020 registered with Ahmednagar Taluka Police Station, Dist.Ahmednagar for the offences punishable under Sections 306, 323, 504 read with Section 34 of the I.P.C.

2] The deceased was daughter of the informant. The applicant no.1 already had 2 wives, the applicant no.2 is one of his other 2 wives. Inspite of that he had kidnapped the deceased and it appears that with the knowledge and consent of even her parents i.e. the informant and his wife, she was cohabiting with the applicants under one roof as his third wife. It is alleged that the first 2 wives of the applicant no.1 and other relatives from the family were ill treating her and they instigated her to commit suicide.

3] The learned advocate for the applicants would submit that accepting the allegations at their face value, the deceased was cohabiting with the applicants and was comfortably leading a life as a third wife of the applicant no.1. Even her parents had persuaded her to continue to cohabit with him. Though unfortunately she has committed suicide, there is no question of any instigation or abetment. The applicants are ready to cooperate the Investigating Officer and their custodial interrogation is not necessary. Some of the other relatives of the applicants have already been granted anticipatory bail by the Sessions Court and the applicants be granted anticipatory bail.

4] The learned A.P.P. opposes the application. He submits that the offence is serious. A woman has lost life. The applicant no.1 had kidnapped her couple of times. She was made to lead a life as a mistress which is sufficient to constitute instigation.

5] I have carefully gone through the papers. The F.I.R. lodged by the father and the statements of the mother and brother of the deceased would clearly indicate that the allegations are vague and omnibus. It is vaguely alleged that the deceased was making a grievance about ill treatment at the hands of all the persons who were cohabiting with her. There are no specific and precise allegations against the applicant no.1. Going by the grievance being put forth in the F.I.R. and the statements of the witnesses, the deceased was informing them that the first 2 wives of the applicant no.1 were harassing her and instigating other relations to harass her. Again the allegations are equally vague against these wives.

6] Apart from the above state of affairs, it is also apparent that in the F.I.R. and in the statements of the mother and brother of the deceased, they have stated that they had tried to convince the deceased to continue to cohabit with the applicant no.1. It is thus apparent that the deceased was cohabiting with the applicants with the consent of her parents and willingly.

7] Considering all the aforementioned state of affairs, in my view it is a fit case where the applicants deserve to be released on anticipatory bail.

8] The Application is allowed.

9] In the event of arrest of the applicants in connection with Crime No.310/2020 registered with Ahmednagar Taluka Police Station, Dist.Ahmednagar for the offences punishable under Sections 306, 323, 504 read with Section 34 of the I.P.C. they shall be released on bail on their executing personal recognizance for an amount of Rs.15,000/- (Rs.Fifteen thousand only) each and furnishing a solvent surety in the like amount each subject to following conditions :

a] They shall attend the concerned Police Station as and when called by the Investigating Officer and shall cooperate him.

b] They shall not tamper the evidence or influence the witnesses.

[MANGESH S. PATIL, J.]