

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 BAIL APPLICATION NO.1313 OF 2021

KASHINATH @ ANNARAO VISHWANATH JADHAV (JANGALE)

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Apparao Yenegure, Advocate for the applicant

Mr. N.T. Bhagat, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 08th DECEMBER, 2021

ORDER :

1 Present application has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the accused No.1, who has been arrested in connection with Crime No.159/2021 registered on 01.07.2021 with Murum Police Station, Tq. Omerga, Dist. Osmanabad, for the offence punishable under Section 306, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. Apparao Yenegure for the applicant and learned APP Mr. N.T. Bhagat for the respondent. In order to cut short, it

can be said that they have argued in support of their respective contentions.

3 Applicant is the husband of the deceased. Informant is the mother of the deceased Sukumar Kashinath Jadhav (Jangale). Deceased Sukumar got married to applicant in 2006. It is contended that after the marriage she was treated properly by the applicant and his family members for few days and thereafter they started harassing her. It is alleged that the present applicant had demanded one tola gold ring at the time of marriage of Sukumar's brother in 2018. It was then promised and then applicant and deceased attended the said marriage, however, it is the contention of the informant that thereafter the accused persons started harassing deceased on the count that the said demand has not been fulfilled. It is alleged that on 26.06.2021 deceased gave phone call to the informant and disclosed about the harassment and then on 27.06.2021 the applicant informed informant that Sukumar has hanged herself. Then, it appears that on 01.07.2021 the First Information Report has been lodged. It is to be noted that there appears to be prima facie delay in lodging the First Information Report. Now, the investigation is over and charge sheet is also filed on 08.08.2021. The applicant is in jail since 05.07.2021. Nothing is to be recovered at the instance of the applicant and taking into consideration the evidence, mainly on the point of harassment, the prosecution would go for trial. No doubt, the

death is due to asphyxia from hanging, but unless the prosecution connects the same with the applicant and accused and show that they had instigated or abetted the commission of the suicide; till then, the application deserves to be allowed. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant Kashinath @ Annarao Vishwanath Jadhav (Jangale), who has been arrested in connection with Crime No.159/2021 registered on 01.07.2021 with Murum Police Station, Tq. Omerga, Dist. Osmanabad, for the offence punishable under Section 306, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicant shall not tamper with the evidence of the prosecution nor shall indulge in any criminal activity.

4 He shall give his mobile number to the Investigating Officer as well as in the Court of Additional Sessions Judge, Omerga, where his case is pending.

5 He should comply with the requirements under paragraph
Nos.12 (1) to (6) of Chapter I of Criminal Manual, (whichever are
applicable).

6 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)

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