

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 868 OF 2021

Buvaji Mohan Gaikwad ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Vaibhav Gaikwad for the Applicant.

Mrs.Anamika Malhotra, APP for the Respondent- State.

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CORAM : V.G.BISHT, J.

DATE : 17TH NOVEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 54 of 2019 registered with Rahimatpur Police Station, Taluka – Koregaon, District- Satara for the offences punishable under Sections 498 (A), 306 read with 34 of the Indian Penal Code (the IPC).

2. The informant is mother of Sadhana (since deceased). The deceased was married to applicant 12 years ago. Deceased always used to complain about harassment at the

hands of her in-laws. On 09.04.2019 at about 7.00 am, informant's husband received a call on his mobile from applicant that the deceased had fallen from a motorcycle. Accordingly, the informant and family members rushed only to found the dead body of deceased. Informant accordingly lodged the report alleging therein that the applicant and other accused not only suspected the character of deceased but also used to beat her under the influence of liquor and thus abetted deceased to commit suicide.

3. Mr.Gaikwad, learned Counsel for the applicant, submits that *prima facie* the ingredients of Section 306 of the IPC are missing. Even otherwise, the alleged incident took place after 12 years of the marriage. Because of the death of deceased, the applicant has been falsely implicated. The investigation is over. There are no criminal antecedents. Hence, applicant may be enlarged on bail, urged learned Counsel.

4. Mrs.Malhotra, learned APP, on the other hand, would oppose the submissions by contending that not only the

deceased was subjected to cruelty but she was compelled to commit suicide because of constant harassment.

5. Perused First Information Report and the investigation papers. Except the allegation of beating, there is no satisfactory *prima facie* evidence to suggest that the applicant in any manner abetted or instigated deceased to commit suicide.

6. Having regard to the nature of allegations, in my considered opinion, the applicant has made out a case for bail. In view of above, I pass the following order :

ORDER

- (i) The Bail Application is allowed.
- (ii) Applicant- Buvaji Mohan Gaikwad shall be released on bail in C.R. No. 54 of 2019 registered with Rahimatpur Police Station, Taluka-Koregaon, District -Satara on his executing P.R. Bond in the sum of Rs. 20,000/- with one or two surety/ sureties in like amount.

(iii) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(iv) The Bail Application stands disposed of in aforesaid terms.

(V.G.BISHT, J.)