

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

CRIMINAL BAIL APPLICATION NO. 832 OF 2020

1. Sushil Bhimrao Sartape
2. Bhimrao Ramu Sartape

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Aniket Nikam i/b. Mr. Vivek Arote for Applicants.

Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 13th JANUARY, 2021

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No.202 of 2019 registered at Mhaswad police station, Dist. Satara, on 28/11/2019 under sections 306, 498A, and 504 r/w. 34 of the Indian Penal Code (for short 'IPC'). The applicants were arrested on 28/11/2019 and since then they are in custody. The investigation is over and the charge-sheet is already filed.

2. The First Information Report (for short 'F.I.R.') was lodged by one Abhimanyu Chandanshive in respect of suicide committed by his daughter Priyanka. He has stated in his F.I.R.

that, Priyanka had studied Law and was practicing at Aatpadi. She had married applicant No.1 and it was a love marriage. The applicant No.2 is applicant No.1's father. There are allegations in the F.I.R. that, initially for about a year, she spent good time in her matrimonial house and she was happy in her law practice. However, subsequently, the applicants, Priyanka's mother in law and brother in law started demanding money from her. They used to demand Rs.2 to 3 lakhs. On that count, she was continuously harassed. It is alleged that, some times she was made to starve and her husband i.e. the applicant No.1 used to abuse her. He used to tell her that she could not cook properly and he used to pass some remarks against her parents. The F.I.R. goes on to allege that the applicant No.2 and his wife used to steal money from her purse and thereby she was harassed mentally. On 25/11/2019, the informant was told by his nephew Navnath that, Priyanka was dead and her dead body was floating in the water in a pond. The informant and his relatives went towards the pond. Priyanka's dead body was kept on the shore. On these allegations, the F.I.R. was lodged.

3. The investigation was carried out. The Postmortem was conducted, however, opinion regarding cause of death was reserved, awaiting viscera report. The statements of various witnesses including the relatives of the informant and neighbours of the applicants and the deceased was recorded. After completion of the investigation, charge-sheet was filed.

4. Heard Shri. Aniket Nikam, learned counsel for the applicants and Smt. Lohokare, learned APP for the State.

5. The learned counsel for the applicants submitted that the allegations in the F.I.R. are quite vague. They do not amount to the offence either under section 498A or under section 306 of I.P.C. He submitted that, the deceased was an advocate and was well-versed with her rights. He submitted that the applicant No.2 himself was searching for her which is borne out from the statements of the neighbours and local residents of the village. He submitted that the statements of the local residents show that there perhaps was some exchange of words between the deceased and the applicant No.1 and thereafter she had committed suicide.

6. The learned APP, on the other hand, submitted that the

statements of the applicant's neighbours show that the applicant No.2 was searching for the deceased near the pond which shows his complicity. She submitted that, there are sufficient allegations in the F.I.R. and the statements of the relatives of the informant do indicate that the deceased was illtreated and, therefore, the applicants do not deserve to be released on bail.

REASONS:

7. With the assistance of learned counsel for the applicants, as well as, learned APP, I have perused the charge-sheet. The postmortem notes do not show any external injury on the dead body. This rules out any assault on her or any struggle on the part of the deceased. Though, the opinion regarding cause of death is reserved, it has been more than a year and there is no justification for the investigating agency for not making any efforts to get final opinion of the medical officer. As of today the charge-sheet is filed for the offence punishable U/s.306 of I.P.C. Therefore, the investigating agency is also treating this as a case of suicide.

8. The charge-sheet contains statements of the relatives of the deceased. Ushatai was the mother of deceased, Prafulla was

the brother of deceased, Ajay and Sanjay were cousins of the deceased and Satyawar was neighbour of the deceased. All of them had identically made allegations as are made in the F.I.R. One important statement is that of advocate Vinod Dane. The deceased was working with him. Significantly, this statement does not indicate that the deceased was making any sort of complaints about her alleged illtreatment at the hands of applicants or their family members. There are no allegations made by her to him that the applicant No.2 used to steal money from her purse. In any case, if the money was stolen, the deceased had not actually seen anybody stealing that money. In any case, these allegations are also vague and that cannot be a ground for her to take this extreme step of committing suicide. The applicant No.2 was searching for her near the pond. That is also not unusual. The deceased was missing from the earlier evening and, therefore, naturally the possibility of her taking this extreme step could have occurred to anybody in the village including the applicant No.2. The statements of the villagers indicate that perhaps there was some exchange of words between the applicant No.1 and the

deceased but that by itself will not mean that the applicant No.1 had instigated her to commit suicide. Therefore, looking at the case from any angle, it is difficult to observe that the prosecution has sufficient material to keep the applicants in custody during the entire duration of the trial. These observations are restricted to the decision of this bail application. The trial court shall not be influenced by these observations and shall decide the case on its own merits. Considering all these aspects, the applicants have made out a case for grant of bail during the pendency of the trial.

9. Hence, the following order :

ORDER

- (i) In connection with C.R.No.202 of 2019 registered at Mhaswad police station, Dist. Satara, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)