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

***INTERIM APPLICATION NO.688 OF 2020
IN
CRIMINAL APPEAL NO.216 OF 2020***

Raosaheb Pandharinath Wagh ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. R.N.Gite for the Applicant.
Mrs. Sharmila Kaushik, APP for the Respondent-State.
PSI Pundlik Pawshe attached to Pimpalgaon P.Stn.
Present.

CORAM : SANDEEP K. SHINDE J.
DATE : 24th FEBRUARY, 2021.

P.C. :

Heard.

2 Accused No.1 in Sessions Case No.46 of 2012 has been convicted of the offences punishable under Sections 306 and 498A of the Indian Penal Code, 1860 and sentenced to suffer rigorous imprisonment for ten years for the offence punishable under Section 306 IPC and three

years rigorous imprisonment for the offence punishable under Section 498A of the IPC. Applicant's brother, mother and father were acquitted of the offence punishable under Section 306 of the IPC but convicted for the offence punishable under Section 498A of the IPC by the judgment and order dated 30th December, 2019.

3 This Court has suspended the substantive sentence imposed on mother, father and brother of the applicant.

4 Pending trial, applicant was on bail and he has not misused the liberty.

5 In an unfortunate incident, occurred in March, 2012, applicant's wife and his two minor children, committed suicide in a well near the field of the applicant. The alleged incident had taken place in the early morning at around 5 a.m. Applicant's father-in-law had filed the

complaint and alleged that the deceased committed suicide owing to constant ill-treatment meted out to his daughter by applicant and her in-laws for not bringing Rs.50,000/- from her parents. It is alleged, accused were demanding Rs.50,000/- from the deceased required for digging the well.

6 Minor son and daughter of the applicant were 9 years and 11 years old respectively as on the date of the incident. Applicant's marriage with deceased was solemnised twelve years prior to the incident.

7 I have perused the testimonies of father and the brother of the deceased. Their evidence do not suggest or establish that the accused kept on irritating or annoying deceased by words or deeds, which left her with no option but to commit suicide. In the testimony, the father and the brother of the deceased made vague allegations of, unlawful demand but the evidence suggests that agricultural land of the applicant was well irrigated. Thus,

unlawful demand of Rs.50,000/- required for digging appears not probable. There is no other evidence on record to suggest that the deceased faced persistent cruelty or harassment from her husband.

8 Thus, in consideration of the evidence on record and the fact that pending trial, the accused had not misused the liberty, sentence imposed in the Sessions Case No.46 of 2012 by the Additional Sessions Judge, Niphad on the applicant stands suspended and he is directed to be released on bail on the same terms and conditions as while he was on bail but with fresh sureties.

9 Application is allowed and disposed of.

(SANDEEP K. SHINDE, J.)