

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1559 OF 2021

1. Gaulanbai Tukaram Kasbe
2. Anil Tukaram Kasbe .. Applicants

Vs.

The State of Maharashtra .. Respondent

...

Mr. Pankaj D. Purway for the Applicants.

Mr. S.H. Yadav, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 26TH JULY, 2021.

P.C:-

1. Since the Application is pressed qua Applicant No.2 – Anil Tukaram Kasbe, I have perused the FIR registered with Wanvadi Police Station, which arraigned the Applicants as accused. The CR vide No.943 of 2020 came to be registered on 23/12/2020 on a complaint filed by the father of the deceased alleging that his daughter committed suicide on account of harassment faced by her.

AJN

2. When the complaint lodged by the Complainant is carefully perused, it can be dissected into three parts. The first part is the allegation levelled against the in-laws of his daughter, who was married to one Amol Kasbe, the brother of Applicant No.2, on 26/04/2012. The second part of the incident referred to is the occasion of marriage of his son, when his daughter had come to reside at her parental house for attending the marriage solemnized on 17/12/2020. The incident also refers to the happenings of 22/12/2020, which involves only her husband and the allegations are levelled to the effect that he abused and assaulted the deceased by alleging that she was maintaining extra marital relationship. After this incident, on 23/12/2020, the deceased took away her life and the FIR came to be lodged by her father alleging that husband of the deceased used to suspect her fidelity and assault and abuse her, which resulted in her daughter committing suicide in the room located in the terrace of his house.

3. When the FIR is carefully read, it reveals that the marriage of the daughter of the Complainant was solemnized with the brother of Applicant No.2 in the year 2012 and, after the marriage, his daughter lived happily for one month but thereafter her husband, mother-in-law, elder brother-in-law Anil (the Applicant) used to jibe at her by saying that very less amount has been spent by her parents on her marriage and that she belongs

to a lower strata of society, but has been married into their family and uplifted, which she dose not deserve. Though the daughter complained about the said behaviour of the accused persons, since his daughter was married to a person, who was in their relation and hoping for a better future, no interference was shown by the Complainant.

4. The omnibus allegation, without any specific date referred to, was found to be levelled against Applicant No.2, when he alleged to have assaulted and abused his daughter. As far as the incident, which immediately preceded the action of suicide by his daughter is concerned, Applicant No.2 is not at all involved nor his presence has been mentioned in the incident, which took place on 22/12/2020, which only referred to her husband assaulting and abusing her by suspecting her character. The incident was in the proximity of the date, when the deceased committed suicide being on 23/12/2020.

Since the nature of allegations levelled against Applicant No.2 are vague and omnibus in nature and, in any case, the incident narrated cannot be said to have abated the suicide of the deceased since the allegations are levelled immediately after her marriage, which was solemnized in the year 2012.

5. Having *prima facie* view of the accusations against Applicant No.2, the custodial interrogation is not warranted. Subject to the stipulation that he will cooperate with the

investigating machinery by attending the police station, he is entitled for bail.

ORDER

- (a) In the event of arrest, Applicant No.2 – **Anil Tukaram Kasbe**, shall be released on bail in C.R. No.943 of 2020 registered with Wanvadi Police Station, District Pune, on executing P.R. bond to the extent of Rs.20,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant No.2 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant No.2 shall attend to the Wanvadi Police Station, Dist. Pune on every Monday and Friday between 10.00 a.m. and 1.00 p.m. for four weeks and, thereafter, as and when called for by the Investigating Officer.

5. The Application is partly allowed in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]