

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

BAIL APPLICATION NO. 2880 OF 2021

Sunil Balu Bhong ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

BAIL APPLICATION NO. 3100 OF 2021

Balu Dnyndev Bhong ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Ganesh Bhujbal for the Applicant in both Bail Applications.
Mr. H.J. Dedhia, APP for the Respondent -State.

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CORAM : V.G.BISHT, J.

RESERVED ON : 25th OCTOBER, 2021

PRONOUNCED ON : 29th OCTOBER, 2021

PC:-

1. The present applications have been moved by the applicants under Section 439 of the Code of Criminal Procedure in Crime No. 248 of 2021 registered with Indapur Police Station, District -Pune for offence punishable under Sections 302, 201 read with 34 of the Indian Penal Code (the IPC).

2. It is the case of the prosecution that Rani (since deceased) was married to accused – Kiran Bhong in the year 2016. Informant is the mother of deceased. Prosecution alleges that the accused-husband and mother-in-law Shobha used to harass deceased and suspect her character.

3. Prosecution further alleges that on 20th March, 2021, the accused -husband dropped the deceased at her parental home and returned after half an hour and started beating the deceased on the ground that why she had gone to Dilip Aadling. He also claimed that he had seen her roaming around with a person. He even summoned his mother who also joined in beating and abusing deceased.

4. Later on, the accused and deceased returned to their conjugal home. According to prosecution, after half an hour, accused Kiran rang up informant and informed that deceased committed suicide by hanging. Accordingly, the First Information Report (FIR) came to be lodged in respect of all the family members.

5. Mr. Bhujbal, learned Counsel for the Applicant, submits that there is no direct evidence against the accused persons and the case is based on circumstantial evidence. Even, the circumstantial evidence in itself is not sufficient to point out the involvement of the accused in the offence. No role is attributed and, therefore, in such circumstances, the present applications deserve to be allowed.

6. Mr.Dedhia, learned APP, on the other hand, would oppose the submission by contending that all the applicants-accused and the deceased were residing in same house. The death of deceased took place in the house and the cause of death given in the postmortem notes is due to strangulation. In such circumstances, there are no merits in the applications and the same are liable to be rejected.

7. I have gone through the investigation papers. Importantly enough, the FIR itself nowhere indicate the overt act on the part of these accused. It is nowhere even remotely

claimed as to how these applicants were responsible for the death of deceased. A very vague allegation and that too at concluding paragraph of the FIR is made against these applicants claiming that the informant is satisfied that it were accused including these applicants who strangled deceased by means of rope and then in order to give a semblance of suicide, hanged her. This is a very vague piece of allegation which does not in any manner positively indicate the involvement of the present applicants.

8. I have gone through the postmortem report wherein the cause of death is strangulation.

9. Having regard to the material on record, even if it is a case based on circumstantial evidence, in my considered opinion, *prima facie*, no such circumstances are brought on record by the prosecution in order to indicate that the present applicants were in someway instrumental behind the death of deceased. Moreover, the investigation is over. No useful purpose will be served by keeping these applicants behind bars.

10. For the aforesaid reasons, I am inclined to allow the applications. Hence, the following order :

ORDER

(i) Applicant- Sunil Balu Bhong in Bail Application No. 2880 of 2021 and Applicant – Balu Dnyndev Bhong in Bail Application No. 3100 of 2021 shall be released on bail in C.R. No. 248 of 2021 registered with Indapur Police Station, District - Pune on their executing P.R. Bond in the sum of Rs. 25,000/- each with one or two sureties in like amount.

(ii) The applicants shall not tamper with prosecution evidence.

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

(iv) Both the applications are allowed in the aforesaid terms.

(V.G.BISHT, J.)

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