

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.322 OF 2022
WITH
CRIMINAL APPLICATION NO.1095 OF 2022**

Lakshman S/o Baliram Wayabhase

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.Dnyaneshwar B. Pokale Advocate for Applicant in
Anticipatory Bail Application No.322 of 2022.
Mrs.V.N. Patil-Jadhav, A.P.P. for Respondent-State.
Mr.M.B. Sandanshiv Advocate for Applicant in Criminal
Application No.1095 of 2022 for assist to APP.

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CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 23rd MARCH, 2022

ORDER :

1. Criminal Application No.1095 of 2022 moved for assist to APP stands allowed and disposed of.
2. Heard learned Advocate appearing for the applicant.

3. The learned APP well supported by learned Advocate Mr. Sandanshiv for the informant, strongly opposed the application for grant of any interim relief. The learned APP submits that though she is not armed with the police papers, the contents of the First Information Report would make it clear that the deceased committed suicide and her death is unnatural. She was married on 20th May 2020 and thus the death is within seven years. Applicant is the brother-in-law of the deceased. There are allegations that he was also harassing the deceased and demanding money. The deceased had given phone call around 7.00 p.m. on 12th February 2022 to the informant, who is her father, stating that her husband, mother-in-law and brother-in-law were harassing her more since informant has not given money to them. They all had told her that she should commit suicide. The deceased is having daughter of five months old and it is hard to believe that the lady who has daughter (mother) would commit suicide unless there were extreme circumstances and therefore, the custodial interrogation of the applicant is necessary.

4. Learned Advocate appearing for the applicant has vehemently submitted that since the applicant is serving with Jai

Malhar Transport, Pune, and residing at Pune itself, he hardly used to visit the native place and he has no role in either demanding the amount or harassing by any means to the deceased.

5. The First Information Report (for short "FIR") by the father of the deceased discloses that the deceased got married with the brother of the present applicant on 20th May 2020 and on the date of the FIR she has daughter aged five months only. We can imagine the mentality of the lady when she has a daughter of five months old. The informant says that the harassment started since about two months of the marriage, firstly on the ground that she is unable to cook food and she is unable to do the work in the field. It is stated that she was harassed mentally as well as physically. Thereafter, in June 2021 there was demand of amount of Rs.2,00,000/- by the husband of the deceased and it is stated that it was asked for the domestic need. Informant says that he had Rs.1,30,000/- and then he gave that amount with an intention that the daughter should be treated properly. He says that he has also given a she-buffalo and a she-goat. The informant further says that thereafter also the demands for the amount continued and in that demand what was informed to him

by the deceased was that her husband, mother-in-law and brother-in-law were making demand and harassing her so that the said demand should be fulfilled. It is then also stated that when the husband and mother-in-law had assaulted and abused daughter around 25th December 2021, she had lodged report with Jamkhed Police Station. It is then stated that the son-in-law of the informant asked for the pardon in presence of the relatives and therefore the informant allowed his daughter to cohabit with the husband. There was, thereafter demand of Rs.80,000/- by the son-in-law on 9th February 2022 and it is stated that it was for the domestic purpose. Informant told that he does not have the amount but then he received phone call from the deceased at 7.00 p.m. on 12th February 2022 and it was informed to the informant that since he has not given the amount, her husband, brother-in-law and mother-in-law were harassing her. She had also told that the accused persons had told her that if she fails to bring the amount she should commit suicide. Informant had given words of advise to her daughter. But on the next day i.e. on 13th February 2022 it was informed to him that his daughter has consumed poisonous substance and she has been admitted to hospital at Jamkhed. Informant reached there on next day i.e. on 14th February 2022 and could

find that deceased was in unconscious state. She was then shifted to Civil Hospital, Ahmednagar on 16th February 2022 but she expired there.

6. Thus, taking into consideration the allegations in the FIR, it can be said that deceased has committed suicide within seven years of the marriage. There is *prima facie* case against the present applicant.

7. Now, the applicant is coming with the case that he is not residing since about last three years in the village but he is residing in Pune. He has produced a document on record, which is stated to be written or given by the proprietor of Jay Malhar Transport. Name of the said proprietor is not appearing in the entire document and the manner in which it has been procured, raises doubt. After certain contents a long gap has been left and thereafter there is a signature and the stamp on the document. Surprisingly, it is on the stamp which appears to have been sold by the stamp department on 16th February 2022 and sold by the stamp vendor on 2nd March 2022. Therefore, there is room to believe that this document has been procured just to support the

case of the applicant or it is got prepared after the registration of the offence.

8. Thus, case is not made out for exercise of extraordinary powers by this Court under Section 438 of the Code of Criminal Procedure and therefore, at the threshold the Anticipatory Bail Application stands rejected.

[SMT. VIBHA KANKANWADI , J.]

asb/MAR22