

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

32 BAIL APPLICATION NO.1575 OF 2022

KUNAL VIKRAM DEHADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Deshpande Chaitanya C.
APP for Respondent-State : Mr. V. M. Kagne.
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CORAM : S. G. MEHARE, J.
DATE : 17.10.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State at length.
2. The applicant/husband has been arraigned as an accused in a crime for suicide committed by his wife within four months of their marriage. The FIR reveals that on the day of the incident, the father and her relatives went to the house of the applicant. The meeting in the house was going on. It has been alleged against the applicant that he demanded Rs.15,00,000/- to purchase the flat. If they would not pay, they may take her back. Immediately, the deceased went inside the room then locked the door from inside. The family members of the deceased knocked the door, but she did not open, therefore, they broke open the door. Thereafter, they saw

that deceased fell down on the ground floor from balcony. However, after lodging the FIR, the prosecution story has been improved alleging against the applicant that the applicant followed the deceased and went inside the room and he locked the latch from inside. Then, the door was broke open. She died due to the acts of the applicant.

3. Learned counsel for the applicant would submit that the deceased was short tempered. During the discussion in the meeting to set the dispute at rest, she suddenly went inside the room, locked from inside and jumped from balcony. The applicant and his family never ill-treated her. However, due to her short temper nature, she took the decision to finish her life. She brought the family of the applicant in problem. Learned counsel for the applicant also pointed out that the statement of the relative of the deceased namely Kishor Shamrao Sonawane was recorded on 10th June i.e. three days after the incident. He was also present in meeting. He has also categorically stated that the deceased committed suicide by jumping from the balcony. Therefore, his statement that the applicant went inside the room cannot be believed. He would also argued that there were no allegations of entering the applicant inside the room, but after thought a new story has been cooked to make

the offence serious. The applicant never demanded money to purchase the flat, a false story has been cooked. Nothing is to be recovered from him.

4. Learned APP has strongly opposed the application. He would submit that there are consistent statements against the applicant that he was harassing the deceased for dowry. Even on the day of the meeting, he demanded Rs.15,00,000/- to purchase the flat. The deceased was harassed for demand of dowry. Therefore, she could not tolerate the ill-treatment and committed suicide. He referred to the statements of the various witnesses.

5. As far as allegations against the applicant that he also went inside the room does not inspire the confidence as the FIR contradicts with the statements of the witnesses, who were very well present on the spot of the incident. Their statements have been recorded belatedly. Be that as it may, the witness Kishor Shamrao Sonawane has stated that after the incident, the applicant and the mother of the deceased and took the deceased to Kamalnayan Bajaj Hospital. She was treated there and then died. The FIR further reveals that the father-in-law of the deceased called her father at his home. In view of the matter though the offence is serious as alleged. Nothing is to

be recovered from the applicant. It appears the case of suicide. Hence, there shall be no propriety in keeping the applicant behind the bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **KUNAL VIKRAM DEHADE** be released on bail on furnishing PB. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount, in Crime No.198 of 2022, registered by Police Station Satara, District Aurangabad, for the offences punishable under Sections 304-B, 306, 498-A, 323, 504 read with Section 34 of the IPC, with a condition not to tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

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vmk/-