

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1541 OF 2020

Nitin Limbaji Murhe ...Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.M.A. Choudahri for the Applicant.
Mr.Y.Y. Dabke,APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 17 FEBRUARY 2022

P.C.

. By this Application, the Applicant, is seeking bail in Sessions Case No.125 of 2019 arising out of Crime No.192 of 2020 of Khed Police Station, under Section 306, 323, 504 and 506 of Indian Penal Code.

2. The prosecution case as disclosed from the complaint lodged by Smt.Megha Sambhaji Sawant who is widow of the deceased Sambhaji Sawant is that the Applicant was harassing the deceased as well as the first informant and their daughter who was then aged 19 years and was pestering for marriage between him and daughter of the first informant. The first informant and the deceased tried to persuade the Applicant not to insist for such a marriage. However, the Applicant continued to harass the

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deceased as well as the first informant and their daughter for such marriage. The parents of the girl decided to marry her to one Amol Shinde. However, the Applicant contacted Amol Shinde and threatened him not to marry with the daughter of the first informant and allegedly sent certain photographs of the girl and the Applicant to Mr. Amol Shinde on account of which the marriage between the first informant's daughter and the Applicant could not materialize. Fed up with this on 1 May 2019 at about 10.30 a.m. the deceased, his wife (the first informant) and their daughter consumed 'roger' poison in order to commit suicide. All three of them were admitted in the hospital. The first informant recovered only on 16 May 2019 when she learnt that her husband had died on account of the consumption of the poison on 5 May 2019. After this the FIR came to be lodged on 20 May 2019 and upon investigation a charge-sheet is filed.

3. I have heard the learned counsel for the Applicant and the learned Additional Public Prosecutor. Perused record.

4. It is submitted by the learned counsel for the Applicant that the Applicant had no intention to abet the commission of suicide by the deceased or any of his family members. It is submitted that even according to the prosecution the Applicant was only interested to marry with the daughter of the first informant. It is submitted that there was no harassment

from the Applicant against the daughter of the first informant or her family members. It is submitted that the Applicant has also not contacted Amol Shinde and the Applicant is not responsible for the fall out of the marriage between the daughter of the first informant and Amol Shinde. The learned counsel for the Applicant also pointed out a medical certificate dated 24 July 2019 from Shruti Hospital, to submit that the deceased as well as the first informant and her daughter took discharge against medical advice.

5. It is submitted that the Applicant is in custody since 2019 and the investigation being completed, the further detention of the Applicant behind bars is not justified.

6. The learned Additional Public Prosecutor has pointed out the conduct of the Applicant in which not only the deceased but the first informant as well as daughter were driven decided to attempt suicide by consumption of poison. He pointed out that fortunately the first informant and her daughter came out of the same, however, resulting into the death of the husband of the first informant.

7. I have considered the submissions made. *Prima facie* it appears from the FIR that the Applicant was pestering for his marriage with the daughter of the first informant and the

deceased. On account of the disinclination of the parents as well as the girl to marry, the Applicant, they were threatened and harassed. *Prima facie* it appears that not only the deceased but even his family members were driven to take the extreme steps of attempting a suicide by consumption of poison. There is a statement of Amol Shinde which shows that the Applicant had contacted Amol Shinde and asked him not to marry with the daughter of the first informant and even sent photographs of the daughter of the first informant with the Applicant to Amol Shinde in order to dissuade him from marrying with the daughter of the first informant.

8. In such circumstances, I do not find that a case for grant of bail is made out at this stage. However, considering the fact that the Applicant is in jail since 2019, the trial is expedited and liberty is granted to the Applicant to renew the request for bail after a period of six months if the trial is not commenced.

C.V. BHADANG, J.