

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1004 OF 2023

RAMABAI DADASAHEB KADU
 VERSUS
 THE STATE OF MAHARASHTRA AND ANOTHER
 ...
 Mr. Tushar Shinde h/f. Mr. C.K. Shinde, Advocate for Applicant
 Mr. S.P. Sonpawale, APP for Respondent – State

...
AND
CRIMINAL APPLICATION NO.2428 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1033 OF 2023

...
 GORAKSHNATH PATILBA KADAM
 VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS
 ...
 Mr. N.B. Patekar, Advocate for Applicant
 Mr. S.P. Sonpawale, APP for Respondent – State
 Mr. Tushar Shinde h/f. Mr. C.K. Shinde, Advocate for Respondent No.3

...
AND
ANTICIPATORY BAIL APPLICATION NO.1033 OF 2023

1. SHIVRAJ DADASAHEB KADU
 2. RAJENDRA DADASAHAB KADU
 VERSUS
 THE STATE OF MAHARASHTRA AND ANOTHER
 ...
 Mr. Tushar Shinde h/f. Mr. C.K. Shinde, Advocate for Applicants
 Mr. S.P. Sonpawale, APP for Respondent – State

...
AND

CRIMINAL APPLICATION NO.2429 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1034 OF 2023

GORAKSHNATH PATILBA KADAM
 VERSUS
 THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. N.B. Patekar, Advocate for Applicant
 Mr. S.P. Sonpawale, APP for Respondent – State
 Mr. Tushar Shinde h/f. Mr. C.K. Shinde, Advocate for Respondent
 No.3

...

AND

ANTICIPATORY BAIL APPLICATION NO.1034 OF 2023

DADASAHEB BABURAO KADU
 VERSUS
 THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Tushar Shinde h/f. Mr. C.K. Shinde, Advocate for Applicant
 Mr. S.P. Sonpawale, APP for Respondent – State

...

AND

CRIMINAL APPLICATION NO.2426 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1004 OF 2023

GORAKSHNATH PATILBA KADAM
 VERSUS
 THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. N.B. Patekar, advocate for Applicant
 Mr. S.P. Sonpawale, APP for Respondent – State
 Mr. Tushar Shinde h/f. Mr. C.K. Shinde, Advocate for
 Respondent No.3

...

CORAM : R. M. JOSHI, J.

DATE : JULY 19, 2023

PER COURT :

. Heard.

2. Learned APP waives notice on behalf of respondent - State in all the matters.

3. Having regard to the nature of allegations made in the First Information Report, this Court finds that applications for assisting learned APP need to be allowed. Hence, they are allowed and stand disposed of.

4. Applicants are apprehending arrest in connection with Crime No.597 of 2023 registered with Newasa Police Station, Dist. Ahmednagar for the offences punishable under Section 304-B, 306, 498-A r/w. 34 of the Indian Penal Code.

5. Informant is father of deceased and according to him deceased was married to Narendra on 21.08.2022. It is alleged in the FIR that husband and in-laws used to pressurize deceased - Shital for bringing money from her parents. There are specific allegations against husband for causing physical and mental torture to her.

It is contended that prior to 15 days of incident the deceased came to the parental home. On 30.05.2023 she committed suicide by hanging herself.

6. Learned counsel for applicants state that there is no proximity between the alleged harassment caused to deceased and the act of commission of suicide. It is submitted that deceased was with her parents and hence the possibility of she committing suicide for some other reasons cannot be ruled out. It is also contended that since there were disputes between the parties, false implication of applicants is possible.

7. Learned APP and learned counsel for informant opposed the application by contending that deceased had specifically made allegations against husband and in-laws in video recorded by her just prior to her death. It is contended that the death of deceased – Shital was within nine months of marriage and having regard to the act of suicide the same is attributed to the harassment caused to her by applicants and husband.

8. Though there are allegations against present applicants

in the First Information Report that they used to pressurize deceased to bring money from her parents, however perusal of the transcript of the video recorded by deceased clearly shows that all allegations are made against husband. No doubt, there is reference of parents-in-law in the said video, however no specific allegations are made against them for causing any harassment which could have led her to commit suicide. From the said video, it is clear that deceased was fed up with her husband as he used to physically and mentally harass her. In such circumstances, at least at this stage this Court finds that the offences punishable under Sections 304B and 306 may not get attracted against preset applicants. Hence, following order is passed:

ORDER

(i) All Anticipatory Bail Applications stand allowed in terms of interim relief dated 26.06.2023.

[R. M. JOSHI]
JUDGE

GGP