

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

BAIL APPLICATION NO. 1567 OF 2023

1. Shekhar Balu @ Balasaheb Gaikwad
2. Balu @ Balasaheb Rama Gaikwad
3. Meena @ Meenabai Balu @ Balasaheb Gaikwad
4. Akshay Balu @ Balasaheb Gaikwad ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Ashok Tajane for the Applicant.
Mr. S.H.Yadav, APP for the State.
Mr. M.B.Sukhare from Balsang Police Stn.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 5th JULY, 2023.**

P.C.

1. At the outset, learned Counsel for the Applicant, under instructions, seeks leave to withdraw the application on behalf of Applicant No.1. Leave granted. Application is dismissed as against Applicant No.1.

2. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicants, who have been arrested in Crime No. 35 of 2023, registered at Valsang Police Station, Valsang, Solapur for the offences under Section 306, 504, 506, 498A r/w. 34 of the Indian

Penal Code.

3. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

4. The marriage of deceased Pratibha, daughter of the first informant was solemnized with Shekhar, the son of Applicant Nos.2 and 3 herein, on 17.4.2022. She committed suicide on 11.02.2023. Netaji Kajale, the father of the deceased, lodged a FIR alleging that his daughter was being subjected to cruelty, and as a consequence thereof, she had committed suicide on 11.02.2023.

5. The first information report and the other material on record prima facie reveals that deceased had returned to her matrimonial home about fifteen days after her marriage and she had complained to her parents that she was being assaulted by her husband. The allegations of cruelty are essentially against the husband (Applicant No.1), who has already withdrawn the application. The Applicant Nos.2 and 3 are the father-in-law and mother-in-law, and the Applicant No.4 is the brother-in-law of the deceased. The

allegations of cruelty as against these applicants are omnibus in nature and prima facie do not constitute offence either under Section 498A or 306 of IPC. Under the circumstances, the Applicants are entitled for bail. Hence, the following order:-

- (i) The Applicant Nos. 2 to 4, who are facing trial in 35 of 2023, registered at Valsang Police Station, Valsang, Solapur, are ordered to be released on furnishing bail bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two solvent sureties in the like amount;
- (ii) The Applicants shall attend the hearing before the Court on every date, unless exempted.
- (iii) The Applicants shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;
- (iv) The Applicant shall keep the Investigating Officer informed of their permanent as well as temporary address, if any, and their contact details, and/or change of residence or mobile details from time to time.

(ANUJA PRABHUDESSAI, J.)