

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

**CRIMINAL BAIL APPLICATION NO. 3233 OF 2022**

|                            |               |
|----------------------------|---------------|
| Vijaykumar Sidram Malgonde | ...Applicant  |
| Versus                     |               |
| The State Of Maharashtra   | ...Respondent |

-----

Mr. Ritesh Thobde a/w Mr. Sagar S. Tambe for the Applicant.  
Ms. Pallavi. N. Dabholkar, APP, for the Respondent-State.

-----

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 28<sup>th</sup> AUGUST 2023.**

**P.C. :**

1. By this application, applicant is seeking bail in C.R. No. 207 of 2022 registered with Kamati Police Station, Dist.- Solapur for offences punishable under Sections 306, 498-A, 323, 504 and 506 of Indian Penal Code, 1860 (for short "IPC").
2. It is prosecution's case that first informant Mallinath Mangrule, brother of deceased, had lodged report stating that the applicant was married with his sister in the year 2018. Since 1 & ½ year, the applicant was not treating deceased properly and had caused

harassment to her. On 8<sup>th</sup> August, 2022 the deceased hanged her daughter and later hanged herself and committed suicide in their residential house. It is alleged that on earlier day of incident deceased had informed her maternal uncle about assault by whip by the applicant.

3. It is contention of learned counsel for applicant that in the present case investigation is completed and charge sheet has been filed. Pending trial further detention of the applicant is not warranted. In charge sheet no documents are produced on record to show that elements of the abetment are made out and there is no evidence on record to show that the applicant had either intentionally aided or instigated the deceased to commit suicide. There is no active role which can be described as aiding or instigating as a requisite for offence under Section 306 of IPC. The Act of insulting and abuse will not by themselves, be sufficient to constitute abetment of commission of suicide unless those are reasonably capable of suggesting that the applicant intended by such acts consequence of suicide. Learned counsel further submitted that one incident of beating the deceased cannot be termed as abetment to suicide. Applicant is in jail for more than one year. Hence, requested to allow

the application.

4. It is contention of learned APP that on the earlier day of incident applicant had beaten up the victim with whip on account of making phone calls to her brother. Thereafter, she had called her maternal uncle and informed him about beating to her by applicant. It shows that, she was frightened and annoyed with the behavior of the applicant. Thereafter, she committed the suicide with her daughter. There is *prima facie* case against the applicant, if applicant is released on bail, he may influence the prosecution witnesses. Hence, requested to reject the application.

5. It is contention of learned counsel for the applicant that there is mobile conversation of the deceased with her maternal uncle annexed to the charge sheet. In the said conversation on the earlier day of incident in evening, deceased had told her maternal uncle that now everything is normal and she and applicant are talking with each other. On next day, she committed suicide. So beating of deceased by applicant on earlier day of incident cannot be connected with suicide of victim on next date, as she had told her maternal uncle that applicant was behaving properly with her.

6. I have heard both learned counsel. Perused FIR and charge

sheet.

7. It is prosecution's case that applicant ill treated the deceased, and on the earlier day of incident, applicant beaten up deceased with whip on account of her making phone calls to her brother. The transcript of conversation between deceased and her maternal uncle has been annexed to charge sheet. This transcript of earlier day call shows that deceased had told her maternal uncle that applicant was talking with her properly. On next day, she committed suicide. Though there are allegations under section 498-A of Indian Penal Code (for short "IPC") but no complaint of mental harassment and ill treatment was filed earlier to the incident. Applicant is permanent resident of village Korawali. Hence, there is no question of absconding.

8. In view of above, I pass following order.

### **ORDERS**

(i) Applicant – Vijaykumar Sidram Malgonde be enlarged on bail in Crime No. 207 of 2022 registered with Kamati Police Station, District – Solapur, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)