

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 385/2023

Pranay s/o Baburao Bansod and another vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr R.M. Daga, advocate for the applicants.

Ms H.N. Jaipurkar, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16/05/2023.

1. Heard.
2. The present application is filed by the applicants who are the brother-in-law and mother-in-law of the deceased Harshada in respect of Crime No. 38/2023 registered with Police Station, Kurkheda, District Gadchiroli for the offence punishable under Sections 304(B), 306 read with Section 34 of the Indian Penal Code, 1860.
3. The offence was registered on the basis of report lodged by the Pralhad Tulshiram Gaikwad father of the deceased on the allegations that deceased Harshada, who is daughter, got married with co-accused Mahesh Baburao Bansod on 19/4/2022. After marriage, deceased resumed cohabitation at the house of her husband, who was residing along with present applicants as well as her father-in-law Baburao Bansod. As per the allegations, after the marriage the deceased was treated well for one month and after one month, she was subjected for ill-treatment for the illegal

demand of Rs. 5 Lakhs. As the demand was not fulfilled, she was subjected for physical and mental harassment at the hands of the present applicants as well as other co-accused. It is further alleged that she was issue-less and on that ground also, she was harassed. As she was fed up with the harassment on 11/03/2023, she had made a phone call to her father informing that her life is in danger at her matrimonial house.

4. It is further alleged that on 12/03/2023, when the informant was at his house, he received the phone call that Harshada committed suicide by hanging herself. On the said report, the police have registered the offence.

5. It is contended by the applicants that applicant No.1 is brother in law who is taking education and applicant No.2 is the mother in law of the deceased. They are not at all concerned with the allegations made against them. The false report is filed as the deceased has committed suicide by hanging herself. Now, the investigation is completed and charge-sheet is filed. The entire investigation papers nowhere reveals that present applicants either abetted, aided or instigated the deceased to commit suicide. So no offence is made out against the present applicants. The trial will take its own time for its final decision. The applicant No.1 is taking education and applicant No.2 is old aged person. If they are put behind bars, the academic carrier of the applicant no.1 will be ruined and the health of applicant No. 2 will be deteriorated in a jail. It is further contended that as

the investigation is completed and charge-sheet is filed, further custody of the applicants is not required. They will abide by all conditions imposed by this Court.

6. The said application is strongly opposed by the State on the ground that the deceased has committed suicide within one year of the marriage. The death of the deceased is caused in a suspicious circumstances when she was residing in the matrimonial house. All the applicants are responsible for her death. If the applicants are released on bail, they will tamper with the prosecution witness, hence, bail application deserves to be rejected.

7. Heard Mr Daga, learned counsel for the applicants. He submitted that if the allegations in the FIR are taken as it is, general allegations are made against the applicants. The applicant No.1 is taking education is not at all concerned with the alleged offence. The offence is not punishable either with the death or a life imprisonment, the punishment provided for the offence punishable under Section 306 is ten years. Merely because death of the deceased is caused in the matrimonial house, all the family members cannot be held responsible for that. The allegations against the present applicants is general in nature and no specific instances are narrated by either of the witness. Therefore, further custody is not required. Hence they be released on bail.

8. Learned APP reiterated with contention that the offence alleged is against present applicant is serious in nature. The death of the deceased is caused within one year of the marriage. All the inmates of the house are responsible for the said Act and the death of the deceased is caused in a suspicious circumstances. Hence, application deserves to be rejected.

9. Heard both sides. Perused the application. The copy of the charge sheet was submitted before me for perusal. It reveals that during investigation, the investigating officer has recorded the various statements including the statement of the neighbor. Shri Bhaurao Nitaram Bansod from his statement it reveals that there was good relations between the deceased and her husband. From his statement, it further reveals that the financial condition of the applicant was good and he never noticed any dispute between the husband and wife or the deceased and other family members. Rest of the statements are of the family members i.e. parents with the deceased and other relatives.

10. From recitals of the FIR it reveals that only general allegations is made against present applicants to the extent that all the applicants used to demand Rs. 5 Lakhs from her and she was subjected for mentally harassment as well as physical for fulfillment of the said demand. Admittedly, no specific instances regarding harassment at the hands of the present applicants is narrated either by the father of the deceased or the relatives. In P.M. Report the opinion

regarding the death of the deceased is reserved. From the Column No. 17 of the PM Report it reveals that she had sustained ligature mark present in the form of pressure abrasion, over the neck, above the level of thyroid cartilage, directed obliquely upwards and backwards, passing over both ears, incompletely encircling the neck (deficient for 3cm over occipital region) of size 32 cm x 8cm.

11. Except the ligature marks, no other external injuries are found on the person of the deceased. From the investigation papers it appears that the death of the deceased is caused due to hanging herself. Now, the investigation is completed charge-sheet is filed. Considering the allegations against the present applicant which are general in nature and their further custodial interrogation is not required as investigation is completed. Hence the application deserves to be allowed by imposing certain condition.

The present application is **allowed**.

The applicant Nos. 1 and 2 are released on bail on executing P.R. Bond of Rs. 25,000/- each with one solvent surety of like amount.

The applicants shall not tamper with the prosecution evidence in any manner by pressuring or by undue influence on the witnesses.

JUDGE