



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

3 BAIL APPLICATION NO. 363 OF 2024

- 1) Shobha W/o Baban @ Dada Pandule.
- 2) Rekha W/o Tukaram Demunde.
- 3) Nandabai W/o Ambads Pandule. **... Applicants**

Versus

The State of Maharashtra. **... Respondent**

...
Mr. Vijay Prabhakar Rao Latange, Advocate for Applicants.

Mrs. Dipali S. Jape, APP for Respondent/State.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 18th March, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.718 of 2023, registered with Karjat Police Station, District Ahmednagar, for the offences punishable under Sections 302, 498-A, 324, 504 and 506 read with 34 of the Indian Penal Code.

3 The brother of deceased Sonali averred in the report that Sonali was married before 20 years. Her daughter is also married.

She was harassed for demand of Rs.5,00,000/- for construction of house. Since then she was treated with cruelty, mentally as well as physically. In August, 2022, Sonali left the house. Therefore, missing report was lodged at Karjat Police Station. Thereafter, she was found. It is further alleged that there was dispute on account of partition of agricultural land and Sonali was willing to stay away from her in-laws, but her husband was not supporting her. She demanded partition of agricultural land and insisted for it. Thereafter, in the night between 18th November, 2023 and 19th November, 2023 she committed suicide. In the morning of 19th November, 2023, it was noticed that Sonali has hanged. The police were called. However, while taking her when she was hanged position, she fell down. Thereafter, report was lodged and postmortem was conducted.

4 The learned counsel for applicants submitted that these applicants are falsely implicated in this crime. Presumption under Section 113 A cannot be invoked as the marriage of Sonali took place before 20 years. The applicants have not instigated her to commit suicide. They have not assaulted her. No any weapon is seized at the instance of any of the accused. Only because deceased Sonali sustained injury to her head to the backside, when she was fell down after hanging, inference cannot be drawn that any of the applicants have assaulted her prior to commission of alleged suicide or alleged

murder. He pointed out the statements of witnesses and postmortem report. He submitted that the applicants are ladies and their specific role is not pointed out. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the missing report as well as the statements of witnesses. She pointed out the opinion of the doctor that there is *ante-mortem* injuries sustained to the head of deceased Sonali. It is a case of murder. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, report and statements of witnesses as well as the opinion of doctor as to the injuries sustained to the head of deceased Sonali. The statement of witness Ambadas Pisal clarifies all the things, one day before the incident Sonali was insisting that she want separate property of joint family. Ambadas tried to convince her 2-3 times, but she had expressed that she will commit suicide. The statement of Sonali recorded during the inquiry of missing report shows that she left the house and went to her maternal uncle and stayed there for 5-6 days because there was quarrel. These two material incidents lead to the inference that Sonali was under stress. The statement of independent witness Amol Lokhande, Police Naik, clarifies that rope tied to the neck

of Sonali was breakdown and she fell down. Therefore, injury No.2 to the head of Sonali as mentioned in the postmortem report is natural and probable. It is well settled that mere suicide is not punishable offence unless there is instigation as contemplated under Section 107 of the IPC. *Prima-facie* the essential ingredients of murder are not establishing from the charge-sheet. Further the role of these applicants is not specified. No any article is seized at the instance of any of the accused. The applicants, therefore, are certainly entitled for bail. The application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicants in connection with Crime No.718 of 2023, registered with Karjat Police Station, District Ahmednagar, for the offences punishable under Sections 302, 498-A, 324, 504 and 506 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not tamper with the prosecution evidence, in any manner.

7 It is made clear that the above observations are *prima-facie* in nature for the purpose of deciding the present application only. The Trial Court shall not get influenced by the same during trial.

[SANJAY A. DESHMUKH, J.]

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