



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1329 OF 2023

Jitesh S/o Sukhdeo Nakwal ... Applicant

VERSUS

The State Of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1292 OF 2023

Sukhdeo Babu Kakwal
and another ... Applicants

VERSUS

The State Of Maharashtra ... Respondent

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Mr. Chaitanya C. Deshpande, Advocate for the Applicant
Mr. S.B. Jadhav, APP for Respondents – State
Ms. Rashmi S. Kulkarni, Advocate for Informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd JANUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 283 of 2023 registered with Dhule City Police Station, Dhule for offences punishable under sections 306, 304(B), 504, 506 and read with section 34 of the Indian Penal Code.

2. FIR is lodged by Ganesh Badri Barse on 13.07.2023 alleging that his daughter Dipika was married with Jitesh on 10.02.2019. In the said marriage, as per demand of in-laws, T.V., Fridge, furniture worth Rs.2,000,00/- and gold ornaments were given. So also, gold chain and ring and Activa Scooter was given to Jitesh. From the date of marriage, in-laws were harassing her mentally and physically by raising a demand of dowry. In September 2019, she was driven out of the house. At that time, an amount of Rs.50,000/- cash was paid to the in-laws, and she was sent for cohabitation. Thereafter, again ill-treatment to Dipika continue. On 14.06.2023, informant and his elder brother went to Dhule and gave understanding to in-laws. On 25.06.2023, at about 2.30 p.m. father-in-law of Dipika called informant and told that Dipika hanged herself. Informant alleged that on that day, at 10.30 a.m. he called Dipika and she told that her in-laws did not allow her to sleep during night and mentally ill-treated her.

3. Heard learned advocate for applicant, learned APP for respondent – State and learned advocate for informant. Perused the papers of investigation.

4. Applicants have placed reliance on a chit allegedly written by Dipika, wherein she has stated that she is leaving

the house on her own accord and she will not return back. If Jitesh wants to give her divorce she is ready for the same. Probably they both are not made for each other. There is something in the house, which is not letting her stay at the house. According to applicants, her MOU was entered into between Jitesh and Dipika in the month of December 2022. She has accepted her mistake of writing a chit and leaving the matrimonial house. It is mentioned that, she will not repeat such mistake, and something happens to her life, she will be solely responsible for it. She has agreed to live properly. The said MOU signed by two witnesses.

5. Learned advocate for informant has vehemently submitted that two witnesses who have allegedly signed MOU are close relatives of applicants, and therefore, the said MOU was obtained under pressure from them and deceased. At the time of suicide, deceased was pregnant and she was committed suicide due to ill treatment of appellants.

6. FIR of incident dated 25.06.2023 is lodged after a delay of 18 days. Though informant has tried to explain that after performing last rights of deceased, he is approaching police station. Still there is delay of 4 days from the date of performances of last rights to approach the police station.

The same is not explained. Immediately after alleged incident, informant has failed to lodge FIR, so also, the chit allegedly written by deceased, and the MOU supports the case of applicants.

7. Offence is registered on 13.07.2023, and the investigation appears to be on the verge of completion. Applicants were granted interim protection vide order dated 07.08.2023, and they have co-operated in the investigation. In the peculiar facts of the present case, further custodial interrogation of applicants is not necessary.

8. In the result, applications are allowed by confirming interim protection granted to applicants on 07.08.2023

9. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by the Investigating Officer. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane