

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

**INTERIM APPLICATION NO.910 OF 2024
IN
CRIMINAL APPEAL NO.201 OF 2024**

Mrs. Heera Madhukar Natekar & Ors. ..Applicants
Versus
The State of Maharashtra ..Respondent

Mr. Prashant Thombre a/w Sandip Agre & Mohinuddin Khan, for
the Applicants.

Mr. A. R. Metkari, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 14th MARCH, 2024

PC.

1. Heard.

2. This Application is by original accused for suspension of sentence and release them on bail, who were convicted by Additional Sessions Judge, Chipulun in Sessions Case No.35 of 2020 for the offence punishable under Section 498-A, 306, 504 r/w 34 of IPC. The sentences awarded are as under :-

Sections	Punishment	Fine	Punishment in default of payment of fine
498-A r/w 34 of IPC	RI 3 years	Rs.2,000/-	RI 6 months
306 r/w 34 of IPC	RI 10 years	Rs.5,000/-	RI 1 year
504 r/w 34 of IPC	SI 2 years	Rs.1,000/-	SI 3 years

3. Applicants were prosecuted for the above offences. The offence was registered on the basis of statement of deceased Aarti, who happens to be daughter-in-law of Applicant No.1, wife of brother of husband of Applicant No.2 and wife of brother of Applicant No.3. Deceased Aarti died by pouring kerosene on herself. She made a statement that on 14.09.2017 at about 12:00 noon she got slipped due to water on the floor and fallen on the person of the Applicant No.1. Because of this, her mother-in-law abused her. The deceased further made a statement that even in the past on many times there was quarrel between mother-in-law and her. For this complaints were filed at Guhagar Police Station. In her statement itself, it is stated that because of this incident she got annoyed and poured kerosene and set herself on fire. On such allegations, the prosecution was lodged.

4. From the evidence, it is seen that the deceased herself stated that because of the quarrel with the mother-in-law and because of the abuses she got annoyed. In further statement, she stated that even accused Nos.2 and 3 harassed her from time to time. No more details are given. The evidence of PW-4 i.e. husband of the deceased is relied upon by the Court. He has stated that there was harassment to the deceased at the hands of the Applicants. It has come in his evidence that Applicant No.1 had filed complaint against this witness under DV Act in the Court of Guhagar. Thus, it is seen that the relations between the mother and son were strained. Secondly, taking the incident as it is, this Court finds that no

ingredients of abetment are *prima-facie* present. The maximum sentence awarded is ten years for the offence under Section 306 of IPC. So far as Section 498-A of IPC is concerned, the sentence is short sentence of three years and for Section 504 of IPC also, it is only two years. Since this Court *prima-facie* forms opinion that no case is made out attracting Section 306 of IPC, the Application needs to be considered. During the trial, the accused persons were on bail. The amount of fine is already paid on the date of judgment. There is no complaint of misuse of liberty. Learned advocate therefore submits that this is a fit case to allow the Application by suspending the sentence.

5. Learned APP submits that there is ample evidence of the husband of the deceased showing that there was consistent harassment. Normally no person would commit suicide for trivial reason. The suicide of the deceased shows that her life had become miserable because of the consistent harassment and prayed for rejection of the Application.

6. After considering the submissions and even if the allegations are taken as it is, *prima-facie* no case is made out attracting ingredients of Section 306 of IPC. So far as evidence of husband of deceased is concerned, it has come in his evidence that he had strained relations with accused No.1, as the accused No.1 had filed complaint under provisions Domestic Violence Act. Considering all the above facts, this Court finds that a case is made

out to grant bail to the Applicants by suspending sentence. Hence, the following order :-

- i) The Application is allowed.
 - ii) Sentence awarded by Additional Sessions Judge, Chipulun in Sessions Case No.35 of 2020 for the offence punishable under Section 498-A, 306, 504 r/w 34 of IPC stands suspended.
 - iii) Applicants are directed to be released on bail on executing PR bond and one solvent surety each in the sum of Rs.15,000/-.
 - iv) Applicants be released provisionally on payment of amount in cash for period of four weeks. Applicants to furnish proper surety and PR bond each in the sum of Rs.15,000/- within four weeks.
 - v) Applicants shall furnish their contact details along with mobile number etc. to the concerned Police Station.
 - vi) If there is any change in the contact details, Applicants shall immediately inform to the concerned Police Station.
7. The Application stands disposed of.

[KISHORE C. SANT, J.]