

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 607 OF 2024

Shrirang Bhagwan Magar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Amit Icham a/w Mr. Aniket Nikam, for the applicant.
Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd FEBRUARY, 2024

PC. :

1. The Applicant is seeking regular bail in connection with C. R. No. 7 of 2024 registered at Kadegaon Police Station, dated 14/01/2024 under sections 498-A, 304-B, 306, 323, 504 r/w. 34 of the Indian Penal Code.

2. Learned counsel for the Applicant submitted that there are three accused in this case. Two accused i.e. the present applicant and his son are in custody and the third accused i.e. Usha Magar was granted anticipatory bail by this Bench vide the

order dated 12/02/2024 passed in Criminal Anticipatory Bail Application No. 392 of 2024. He, therefore submitted that as per the notice dated 08/02/2024, the matter will have to be decided by this Court.

3. Noting made by the Registry on the praecipe mentions that this matter would lie before this Bench. Learned APP stated that there is no other accused except the three aforesaid accused. In view of this, I am proceeding to decide this application.

4. Heard Mr. Icham, learned counsel for the Applicant and Ms.Ganapathy, learned APP for the Respondent-State.

5. The Applicant was arrested on 14/01/2024 and since then he is in custody. Though the charge-sheet is not yet filed, the investigation has proceeded further.

6. The FIR is lodged by one Rajkumar Patil. He is the father of the deceased Aishwarya. She had got married with the Applicant's son Rohit on 26/06/2023. At that time, the informant had given ornaments and other articles. It is alleged in the FIR that after the marriage, for about one month, she was treated properly

by the husband, the present Applicant and the husband's mother. After that Aishwarya complained to the informant that her husband was suspecting her character and on that ground, he used to beat her. In July, 2023 she visited her parents' house and at that time she told the informant that the Applicant and others were saying that the ornaments which were given during the marriage were fake ornaments and she was being ill-treated and beaten. In August, 2023, the deceased visited her parents. That time she had told the parents that her husband was demanding Rs.25,00,000/- for expanding his hardware shop. At that time, the informant did not have that much amount. In November, 2023, Aishwarya came to her parent's house for Diwali. She was accompanied by her husband. The informant gave him a gold ring. He returned to his house. At that time, Aishwarya told the informant that she was pregnant but her husband was saying that it was not his child and he was suspecting her character and used to beat her. She told them that she was unable to bear the beating and she felt like committing suicide. At that time, the informant and his wife had a discussion with her. They told her that she

could go for a DNA test to satisfy her husband. Mr. Machindra Deshmukh, the person who was instrumental in settling the marriage also visited the Applicant's house. Even thereafter, the ill-treatment continued.

7. On 13/01/2024, Aishwarya came to her parent's house for Sankranti. She again complained that her husband continued suspecting her character and continued making allegations that the child was not his. He had told her not to return back to her matrimonial house. On that date, in the evening, the deceased committed suicide by jumping in the well. On these allegations, the FIR is lodged.

8. Learned Counsel for the Applicant submitted that there are only vague and general allegations against the present Applicant. The main allegations are made against the husband of the deceased. The cause to commit suicide was her husband's ill-treatment and suspecting her character. There are no allegations to that effect against the present Applicant. Learned counsel for the Applicant relied on the order passed by this Court on 12/02/2024

in ABA No. 392 of 2024 granting anticipatory bail to the Applicant's wife Usha. He submitted that the role attributed to the present applicant and Usha is similar.

9. I have perused the said order. It is a reasoned order. I have also perused the statement of Machindra Deshmukh, who had stated that he had met Aishwarya's husband and advised him not to ill-treat her. The statement is also directed against the Aishwarya's husband. Thus it is quite clear that the main allegations are made specifically against the husband of the deceased. There are only general allegations against the Applicant. The definite and proximate cause was the husband suspecting her character. There are no such specific allegations against the present Applicant. Therefore, his bail Application can be considered favourably. The Applicant does not have any other antecedents. He is in custody since 14/01/2024. Further custody of the Applicant will not serve any purpose. He deserves to be released on bail. It is made clear that that these observations are made only for the purpose of deciding this bail application.

10. Hence, the following order:

ORDER

(I) In connection with C.R. No 7 of 2024 registered at Kadegaon Police Station, the Applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(II) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)