



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.692 OF 2024
(Waman s/o Pandurang Mohite and anr. 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. N.K. Bhangde, Advocate for the applicants.
Mr. C.A. Lokhande, APP for the State.
Mr. N.R. Raut, Advocate for Assist to Prosecution.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 12, 2024.

The applicants came to be arrested on 23/04/2024 in connection with Crime No.291/2024 registered with Police Station Umarkhed, District Yavatmal for the offence punishable under Sections 304-B, 306 read with Section 34 of the Indian Penal Code.

2. Applicant No.1 is the father-in-law and applicant No.2 is the brother-in-law of the deceased.

3. The FIR is lodged on the basis of report filed by Ashok Jaywantrao Mohite who is the father of the deceased Rajeshwari alleging that the marriage of his daughter was performed with co-accused namely Santosh Waman Mohite on 30/05/2019. After marriage she resumed the cohabitation at the house of her husband wherein she was residing along with the co-accused and her husband. It is alleged that she was ill-treated by the present applicants as well as by the other co-accused and

the husband on demand of money and she was ill-treated to such an extent that there was no other alternate for her but to commit suicide and thereby she has committed suicide by hanging herself. On the basis of said report, police have registered the crime against the present applicants.

4. Learned Counsel for the applicants submitted that as far as the present applicants are concerned general allegations are made against them even it is not mentioned in what manner they have either abetted the deceased or harassed her, and therefore, she committed the suicide. He submitted that now the investigation is completed and charge-sheet is filed, further custodial interrogation of the present applicants is not required.

5. Learned APP strongly opposed the said application on the ground that the deceased has committed suicide within seven years of marriage and the applicants along with the other co-accused in furtherance of their common intention subjected the deceased to ill-treatment and there was no other alternate for her but to commit suicide, and therefore, she committed suicide. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the entire investigation papers from which it reveals that during investigation, the Investigating Officer has recorded various statements of

the witnesses including the statements of the neighbours from which it reveals that the specific allegations are made against the husband as well as the mother-in-law. As far as the present applicants are concerned the general allegations are made even the name of applicant No.2 is not mentioned in the FIR or in the statement of any of the witnesses. Merely because he is the brother of the co-accused it appears that he is implicated in the alleged offence. Considering now the investigation is completed, charge-sheet is filed, further incarceration of the applicants is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicants – 1) Waman s/o Pandurang Mohite and 2) Satish s/o Waman Mohite in connection with Crime No.291/2024 registered with Police Station Umarkhed, District Yavatmal for the offence punishable under Sections 304-B, 306 read with Section 34 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.

(iii) The applicants shall attend the proceedings before the Sessions Court

without seeking any exemption unless there are exceptional circumstances.

(iv) The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*