

MHKO010002842021



In the court of Additional Sessions Judge, Kolhapur at Kolhapur.
(Presided over by Dr.Anita S. Newase, Additional
Sessions Judge, Kolhapur)

Sessions Case No.25/2021

State of Maharashtra

..... Prosecution

Vs.

1. Kiran Manik Jangam & others

..... Accused

Order below Exh.12 in Sessions Case No.25/2021

1] This is the application filed by the accused No.2 Manik Vasant Jangam for seeking bail under Section 439 of the Code of Criminal Procedure in connection with C.R.No.348/2020 registered at Peth-Vadgaon police station for the offence punishable under sections 304-B, 498-A read with 34 of the I.P.C.

2] The factual matrix of the prosecution case in brief as under :

The accused No.1 Kiran Manik Jangam and the deceased Jyoti performed love marriage and started residing at her matrimonial house. The accused No.1 has taken loan and for the purpose of repayment, the accused No.1 to 3 demanded money from the parents of the deceased and subjected her to cruelty by way of mental & physical harassment, therefore the deceased Jyoti

committed suicide within 4 months after the marriage. Accordingly the offence came to be registered against the accused No.1 to 3 at Peth Vadgaon police station under sections 304-B, 498-A read with 34 of the I.P.C. vide C.R.No.348/2020. During the investigation, all accused came to be arrested and after completion of investigation the charge-sheet is submitted against the accused to deal them according to law.

3] According to the applicant they were well treated their daughter-in-law Jyoti when she was residing with them. Her parents were not talking with her because she performed her marriage against their will. The present accused used to work in the farm and the responsibility of the household work has been given on the shoulder of their daughter-in-law. Due to newly married she was not having the experience of household work, on that ground sometimes exchange of words was going on between them. It is further submitted that on 21-09-2020 the deceased Jyoti filed N.C. in Vadgaon police station and police called the son of present applicant i.e. accused No.1. Thereafter their daughter-in-law went to her maternal uncle's house for some days. The applicant asked his son to bring their daughter-in-law from her maternal uncle's house, but he replied that she will come after some days. However on 29-10-2020 they came to know that their daughter-in-law committed suicide by hanging herself, however the present accused not committed any offence.

4) While arguing the case the Ld. Counsel of the applicant/accused brought to the notice of this court that the

allegation made in the complaint and the investigation carried out by the police is contradictory to each other. The allegation in the complaint are not sufficient to prove the prima facie case against the present accused. The Ld. counsel put emphasize on this aspect that the deceased went to her maternal uncle's house and her parents were not in talking terms with her and 8 days later on she has committed suicide, therefore there is no role of the accused persons in the alleged offence. Similarly the suicide note contains the words "I am sorry all of you KJ love" which itself prima facie shows that the accused are falsely implicated in the alleged offence. The accused are permanent resident of village Latwade, Taluka Hatkanangale, District Kolhapur and ready to abide the conditions imposed by this court, hence prayed for allowing the application.

5] The application is strongly objected by the Ld. A.P.P. Smt.M.B.Patil by filling say below the same application on the basis of report of Investigating Officer produced vide Exh.13. It is submitted that the accused No.2 who is father-in-law of the deceased and due to the harassment by this applicant/accused, their daughter-in-law committed suicide. It is further submitted that one video clip about the complainant and his relatives is made viral by the applicant/accused. He was absconding for the period of one month, therefore prayed for rejection of an application.

6] In view of submission of both parties following points arise for my determination and I have recorded my findings thereon for the reasons stated below ;

<u>Points</u>	<u>Findings</u>
1. Whether the applicant/accused .. No.2 is entitled for bail as sought for ?	Yes
2. What order ?	.. As per final order.

REASONS

As to point No.1 & 2 :-

7] Heard the learned counsel Shri. J.V.Patil for the applicant/ accused and the learned A.P.P. Smt. M.B.Patil for the prosecution.

8] Having regard to the arguments advanced by the Ld. Counsel of both parties and taking into consideration the facts & circumstances of the case it appears that the offence vide C.R.No.348/2020 under Sections 304-B, 498-A read with 34 of the I.P.C. registered at Peth Vadgaon police station against the accused No.1 to 3. It is also seen from the record that the accused No.2 is father-in-law of the deceased Jyoti Kiran Jangam. It is a matter of record that my Ld. Predecessor has passed the order on the bail application of accused No.3 and allowed the application. The accused No.1 Kiran Manik Jangam, the husband of the deceased Jyoti is in jail. The police of Peth Vadgaon police station completed the investigation and submitted charge-sheet against all accused on 28-12-2020. The present applicant/accused is in jail since 29-10-2020. It has brought to the notice of this court that there is no statement against the applicant/accused that he has harassed his

daughter-in-law Jyoti for bringing money. It is also pointed out that in suicide note there is wording "I am sorry all of you KJ love" and she has committed suicide during the residence at her maternal uncle after 8 days from leaving her matrimonial home and therefore the accused/accused has no role in the alleged offence.

9] In view of above discussion and taking into consideration the attending circumstances of the case at this juncture I would like to take recourse of observation of Hon'ble Supreme Court in case of **Maulana Mohd. Amir Rashadi Vs. State of U.P. & Anr.** reported in **2012 DGLS (SC) 35** in which it is observed that,

“Principles qua grant or refusal of the bail application. The court has to see the relevant factors including the criminal antecedents. But merely on criminal antecedents bail cannot be refused. The court is duty bound to see the role of the accused in the case in which he has been charged and other circumstances, such as the possibility of fleeing away from the jurisdiction of the court etc.”

10] In view of above prepositions of law & considering the attending circumstance of the case I found that the matter will take its own time and the applicant/accused in jail since 29-10-2020. He is a permanent resident of village Latwade, Taluka Hatkanangale, District Kolhapur and ready to abide the conditions imposed by this court, therefore in the interest of justice I am inclined to allow the application and proceed to pass the following order ;

ORDER

1. The application for bail Exh.12 is allowed.
2. The Applicant/ accused No.2 Kiran Manik Jangam be released on bail in connection with C.R.No.348/2020 registered at Peth-Vadgaon Police Station for the offences punishable under sections 304-B, 498-A read with 34 of the I.P.C. on executing P.R. & S.B. of Rs.15,000/- on following conditions ;
 - (a) The applicants/accused No.2 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.
 - (b) The applicants/accused No.2 shall remain present on each of the date before the Sessions Court.
3. Bail before the Sessions Court.
4. The application stands disposed of accordingly.

Kolhapur.
Date : 05/04/2021

Sd/-
(Dr. Anita S. Newase)
Additional Sessions Judge,
Kolhapur.