

CNRNO.MHSNO10019392022

Order below Exh.1 in Cri. Bail Application No. 504/2022
(Sunil S. Auti...2 Vs. State of Maharashtra)

1 This is an application, under section 439 of the Code of Criminal Procedure, for regular bail. The state resisted it by filing say at Exh.6. The first informant has also filed affidavit at Exh.9. Read the application, say and the affidavit. Heard both sides. Perused the record.

2 The applicants are accused of offence punishable under section 498 (A), 304 (B), 323, 504, r.w. 34 of Indian Penal Code in Cr. No. 271/2022 registered with Miraj Rural police station. It is registered on the report of Borovva Shekhar Athani, the mother of the deceased. Accused No.1 Sunil, accused No.2 Subhash, accused No.3 Chandravva, accused No.4 Anil and accused No.5 Ashwini are husband, father in law, mother in law, brother in law and sister in law of the deceased. In the FIR it is alleged that the deceased Rohini married with accused No.1 on 29.11.2016 and she committed suicide on 04.06.2022. It is alleged that the accused harassed her over trifle reason. They also abused her. Accused No.1 and 3 had also assaulted her. They harassed her over the reason that she had not brought gold, on the occasion of naming ceremony of the child and other occasions. They also quarrelled with her over the reason that her maternal relatives did not give any money in the marriage. The incident dated 04.06.2022 stated in the FIR which claims that the accused quarrelled with the deceased, abused her, accused No.1 and 3 assaulted her. It is also stated that similar incident also took place on 03.06.2022. The said incident was informed by the deceased to the first informant on phone. On such allegations the present crime is registered.

3 Learned advocate for the applicants submitted that the allegations are general in nature, it is not alleged that any serious incident was taken

place and it is also not alleged that extreme harassment was meted out to the deceased. He also submitted that no date, time and particulars of the alleged incident are mentioned in the FIR. He submitted that the deceased had returned for cohabitation on 2-3 times and it indicates that there was no such harassment to the deceased. He further submitted that there is no demand related to dowry and therefore, it cannot be said that offence under section 304 B or 498 A of Indian Penal Code is made out against the accused. He also submitted that the accused are falsely implicated in the present case.

4 Learned advocate for the applicants also submitted that the applicants are husband and father in law of the deceased. They are in custody since 05.06.2022 and their custodial investigation is already over. He also submitted that there is no suicide note or previous police complaint in this case. He also submitted that investigation is almost completed. On all these grounds he prayed for regular bail.

5 Learned APP submitted that the incident took place on 04.06.2022 i.e. just before 10 days and therefore it cannot be said that the investigation is completed. He submitted that investigation is at initial stage. He also submitted that FIR is not encyclopedia of the entire case. He submitted that the investigating officer has recorded the statement of witnesses and also requires to investigate the remaining case. He also submitted that the investigating officer got the independent witnesses and the picture will be cleared after full investigation. He also submitted that there is specific allegations of the dowry demand in the FIR. He submitted that for the sake of her children and matrimonial life, the deceased might have returned for cohabitation and therefore it cannot be said that there was no extreme harassment. He also submitted that there is possibility of tampering of witnesses and obstruction in the investigation, if the applicants are granted bail. He also submitted that the offence is serious. On all these grounds, he

prayed for rejection of the application.

6 I considered rival submissions carefully. It is not disputed that the deceased Rohini had committed suicide within 7 years from her marriage with accused No.1/applicant No.1. The allegations made in FIR shows that there was harassment to the deceased at the hands of accused. It is not the case that she had any other reason for committing the suicide. The investigation is in progress. Therefore, the complete picture of the case will be cleared after the investigation. At this stage it is sufficed to note that the allegations made in FIR clearly disclose the alleged offence. Offence u/s. 304B is punishable with imprisonment for life or imprisonment for 10 years or fine. It is serious offence. The allegations are against all the accused. Considering the nature of the allegations, it is clear that the witnesses would be the neighbours and relatives of the accused and deceased Rohini. Therefore, if the applicants are granted bail, there is possibility of tampering of the witnesses. It would cause obstruction in the investigation. For all these reasons, I am of the opinion that the applicants are not entitled for bail. The application deserves to be rejected. Accordingly, I pass the following order -

ORDER

- 1 Criminal Bail Application No. 504/2022 is hereby rejected.
- 2 Criminal bail application disposed of accordingly.

Sangli
dt.15.06.2022

(Purushottam B. Jadhav)
Additional Sessions Judge,
Sangli.

CERTIFICATE

I affirm that, the contents of this P.D.F. file, are same word to word, as per the original order.

Name of Stenographer	: A.B. Kamble (Steno Grade-I)
Court	: DJ-3 & Addl. Sessions Judge, Sangli.
Date of order	: 15/06/2022
Signed by Presiding officer on	: 15/06/2022
Uploaded on	: 15/06/2022