

Narayan Digambar Kshirsagar and Another Vs. State of Maharashtra

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Court : Mumbai

Decided On : Dec-24-2014

Judge : P.D. Kode

Appeal No. : Anticipatory Bail Application No. 1507 of 2014

Appellant : Narayan Digambar Kshirsagar and Another

Respondent : State of Maharashtra

Judgement :

P.C.

1. For the detail reasons recorded in the order dated 01-12-2014 the ad-interim direction in terms of section 438 of Code of Criminal Procedure was passed in favour of the applicants who are respectively father in law and mother in law of victim Priyanka in connection with C.R. No.311 of 2014 registered with Yawat police station, Pune for the offences punishable under Sections 304-B, 306, 420, 498-A read with 34 of Indian Penal Code registered on the count of Priyanka having met with unnatural death at her matrimonial house i.e. death due to hanging.

2. In pursuant to the notice of application served, the prosecution has filed detailed reply. Learned APP has objected the prayer for confirming the said direction on the count of tangible material having been collected during the course of investigation prima facie showing involvement of the applicants for commission of

the offence for which the crime is registered.

3. The applicants on their turn has filed an affidavit for establishing falsity of allegations amongst other main contention that the deceased having hardly stayed at the matrimonial house for a period of 12 months and 12 days out of a long span of 3 years and 5 months there was any scope to commit the acts alleged in F.I.R. The learned counsel for the applicants contended that hardly there is any material collected during the course of investigation necessitating custodial interrogation of the applicants or at least for the present applicants.

4. After giving anxious consideration to the submissions advanced and perusing the material in the papers of investigation, it can be said that material so far collected is in the shape of statements of about 8 witnesses claiming about the oral dying declaration made by the victim to them about the harassment and cruelty met by her at matrimonial house.

5. The charge-sheet does not contain any material of any steps then being taken by the said relatives even after reporting of such matters by the victim to them. Apart from it, besides the oral claim of alleged oral dying declaration made by the deceased, there is no other material corroborating the matters stated in the said dying declaration. It can be added that even the said material is some what shrouded with the vagueness as it lacks precisely given the date, time and place at which such dying declarations were made.

6. Having regard to it, merely because of the sole circumstance emerging from the chargesheet that the deceased within two days of returning to the matrimonial house had committed suicide by itself prima facie would not be sufficient to jump to the conclusion that same was due of harassment/ cruelty met by deceased. Apart from it, considering the relevant matters hardly there appears any circumstance for which custodial interrogation of the applicant would be necessary for completion of the investigation.

7. Resultantly, the application is allowed. The ad-interim direction deserves to be accordingly stands confirmed on earlier terms and conditions. The investigating officer of above referred crime in event of arrest of applicant in connection with

said crime shall forthwith release them on bail upon each of them furnishing P.R. Bond in sum of Rs.50,000/- with one or two sureties to make up like amount and subject to abiding all the conditions imposed vide order dated 01-12-2014. However, now the applicants shall attend the investigating officer only on Monday in between 11.00 am to 1.00 pm and or any other day on which they would be summoned by the investigating officer. Even such attendance given only for the filing of the charge-sheet.

Application stands disposed of.

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