

**Order Below Exh. 1 in Cri. B. Appln. No. 288/2022**

(CNR No. MHNS010008702022)

**Shri Ganesh Pandurang Jadhav Vs. State**

**Heard:** Ld. Adv. Mr. G. L. Bodke for the applicant.

Ld. A. P. P. Ms. S. S. Sangle for the State.

1. This is an application under section 438 of the Code of Criminal Procedure in Crime No.27/2022 registered at Peth Police Station, Dist. Nashik for the offence under sections 498-A, 306, 323, 504 & 506 of the Indian Penal Code. It is the case of prosecution in brief that the accused/applicant (husband of the deceased) inflicted physical and mental cruelty on her due to which she committed suicide. Soon after marriage, the victim discovered that the applicant had love-affairs with other women and she also saw his obscene videos with other girls on his mobile phone. Instead of feeling apologetic, he physically and verbally abused her. Therefore, her family members met with the applicant and his family members when he agreed to treat the applicant properly. However, even thereafter the applicant continued to ill-treat her and again a family meeting of both the sides was held in the presence of village panchas. The applicant again promised to treat the victim well, but failed and neglected to do so. The victim was therefore constrained to leave her matrimonial home and eventually committed suicide at her parents' house.

2. Ld. Adv. for the applicant has submitted that there is no necessity of custodial interrogation of the applicant. No recovery has to be made from him. The victim committed suicide in her parents' house almost 11 months after she left the house of the applicant. He has complied with the terms and conditions imposed by the Court while granting interim relief. The victim was suffering from epilepsy and depression and she committed suicide because of her own reasons. There is no abetment of victim's suicide by the applicant.

3. Per contra, Ld. A.P.P. has vehemently opposed the application on the ground that there is *prima-facie* case against the applicant. The victim has left behind a suicide note which has categorically named the accused/applicant for abetting her suicide. Mobile phone of the applicant needs to be seized and his thorough custodial interrogation is necessary to make proper investigation. Victim has committed suicide within one year of marriage and it is purely the cruelty of her husband which has driven her to suicide. If custodial interrogation of the applicant does not take place, the investigating agency will not be able to arrive at the truth. There was no reason for a young, well-educated girl to end her life, but for the cruelty inflicted on her by the applicant. The very fact that the victim was forced to reside in her parental house speaks volumes of the torture inflicted by the applicant.

4. Perusal of the case diary reveals *prima-facie* case against the applicant. An accused who is armed with an order of

anticipatory bail stands on a different footing from an accused who is in custodial interrogation of the police. Offence is serious in nature. There is suicide note clearly naming the applicant. There are specific allegations and instances in the FIR against the applicant. There is a mention of two meetings with the family members/ village panchas with regard to the cruelty inflicted by the applicant. Unless custodial interrogation of the applicant is granted, police will not be able to make proper investigation. In view of the foregoing discussion, I am inclined to rejected the bail application.

**ORDER**

- 1) Application is hereby rejected.
- 2) Interim order dated 03/03/2022 passed below Exh.4 is hereby vacated.

(Dictated and pronounced in open Court)

Nashik  
16/03/2022

Mridula Bhatia  
District Judge-2 and Additional  
Sessions Judge, Nashik.