

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1553 OF 2014
IN
CRIMINAL APPEAL NO.894 OF 2014

Raju @ Pintu Kashinath Surve	..Applicant
<i>Versus</i>	
The State of Maharashtra	..Respondent

....
Mr. Sachin Deokar h/f. V.V. Purwant, for the Applicant.
Mrs. P.P. Bhosale, APP, for the State.

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CORAM : A. R. JOSHI, J.

DATE : 12th AUGUST, 2015

P.C.

1. Heard rival submissions on this application for bail and suspension of sentence during pendency of appeal.
2. The appeal is already admitted. The applicant is convicted for the offence punishable under Section 498A of IPC and sentenced to suffer RI for three years. He is also convicted for the offence punishable under Section 306 of IPC and sentenced to suffer RI for ten years.
3. The case of the prosecution is that the

applicant/accused was ill-treating the woman who was leaving in his house apparently in live-in-relationship. The applicant is a married man having children. According to the prosecution when the victim woman was pregnant from the applicant, the applicant was forcing her to abort the fetus. As such, Pooja resisted his desire and in fact ended her life by hanging herself in the house of the applicant / accused when she was alone and the applicant was out of the house for some work. When mother of the applicant came with tiffin to the house of the applicant she knocked the door but it was not opened by the victim woman from inside. Then it was noticed by the mother of the applicant that said victim woman had committed suicide by hanging herself from the ceiling by using her stole (odhani). Information was given to the mother of the victim. A complaint was lodged.

4. Out of four witnesses, only PW-3 is the important witness, who is a woman in the neighbourhood of the applicant. Her entire evidence do not support the case of the prosecution at all. On the contrary according to this witness there was no ill-treatment or harassment of the victim woman by the applicant

or his mother. The substantive evidence of PW-1 complainant, mother of the victim girl is actually hear-say as what stated by her daughter to her. But on this count according to PW-3 parents of the victim women were not visiting at all to the victim woman at the house of the applicant.

5. Considering the above evidence and the effect of the same and considering that the appeal will take much long time for final adjudication and considering that during trial the applicant was on bail, in the opinion of this Court the present application can be allowed. Accordingly, application is allowed. The applicant be released on same bail as granted by the trial Court with fresh bonds to be executed before the trial Court. Application is disposed of accordingly.

(A. R. JOSHI, J.)

Deshmane (PS)