

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2412 OF 2015

Santosh Laxman Kshirsagar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. R.B. Mokashi, Adv. For the applicant.
Mrs. G.P. Mulekar, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 10th December, 2015.

P.C. :

1. This is an application for bail filed by the aforesaid applicant, who is facing trial in Sessions Case No.94 of 2015, pending on the file of the learned Sessions Judge, Satara. The said case arises from C. R. No. 28 of 2015, registered at Rahimatpur Police Station, Satara for the offences punishable under Sections 306, 498-A, 323, 504 & 506 read with 34 of the IPC.

2. Mr. Mokashi, the learned counsel for the applicant submits that the applicant is not involved in crime of the said offences. He has further submitted that there is no prima facie material to show that the applicant had subjected his wife, the deceased Priyanka, to cruelty. He further stated that the allegations made in the complaint

do not disclose the essential ingredients of sections 306 and 498-A of the IPC. Even otherwise, the said allegations have to be proved on merits. He contends that the presence of the applicant is not required the custody.

3. Mrs. Mulekar, the learned APP for the State submits that the FIR lodged by the mother of the deceased indicates that the applicant had subjected his wife Priyanka to cruelty. There is prima facie material to show that he was constantly assaulting her and was demanding motorcycle and money from her parents. She has submitted that the fact that the deceased Priyanka has committed suicide along with her minor daughter aged 2 years, would itself indicate that she was subjected to cruelty.

4. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The records prima facie reveal that the applicant and Priyanka had married on 20th December, 2011. They had a child who on the date of the incident was two years old. Priyanka committed suicide on 6th April, 2015 along with her minor daughter. The death of said Priyanka was within 7 years of marriage.

5. It is further to be noted that, the FIR lodged by the mother of the deceased prima facie reveals that the applicant was constantly assaulting her. The FIR further reveals that the deceased had returned to the matrimonial house on several occasions and the family members and the other mediators, had tried to resolve the issue and sent the deceased to her matrimonial house.

6. The FIR also prima facie indicates that on 29th March, 2014 i.e. about a week prior to the incident, Priyanka had told her brother Mahesh that, the applicant had assaulted her and she had requested him to take her back to the parental house. The FIR as well as the statement of Mahesh prima facie reveals that on 29th March, 2014, he had brought Priyanka to her parental house as the applicant herein was assaulting her. The statements of the other independent witnesses also prima facie reveal that the applicant was subjecting Priyanka to cruelty. The fact that the deceased had taken such extreme step of committing suicide along with her minor daughter, within a period of 7 years of the marriage also prima facie gives indication that she was subjected to cruelty.

7. Thus, there is prima facie material on records to show the involvement of the applicant in committing the said crime. The offences are of serious nature and the gravity of the offence would not entitle the applicant for bail. Moreover, the evidence of the witnesses who are residing in same locality is yet to be recorded. Granting bail at this stage would, therefore, hamper the trial.

8. Under these circumstances and in view of the above discussion supra, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)