

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 16 OF 2015

Sandeep Sudam Vavale. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Satyam H. Nimbalkar, advocate for Applicant.

Mr. Arfan Sait, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 15, 2015

P.C.:

1 Office objections are removed. Rest of the office objections are dispensed with.

2 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

3 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein has surrendered before the Paud Police Station on 7/8/2014 in Crime No. 127 of 2014 registered

at Paud Police Station for offence punishable under Section 307, 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code. The investigation is completed and charge-sheet is filed on 26/9/2014. The case is committed to the Court of Sessions.

4 It is the case of the prosecution that on 27th June, 2014 the wife of the present applicant lodged report at the police station alleging therein that she got married to the present applicant on 11th May, 2009. She had not conceived pregnancy. She was harassed and ill-treated at the hands of her husband as well as other members of the matrimonial family. She could not take ill-treatment any more and therefore, within 5 to 6 months of the marriage she had consumed some poisonous substance to commit suicide. However, she was admitted in Sahyadri Hospital and had recovered from the same.

5 According to her, the applicant was addicted to alcohol and used to abuse her and assault her under the influence of alcohol. The complainant has further urged that on 23/6/2014 her husband had

taken money from her purse. She had asked for money which he had taken from her purse. Upon this, he got enraged and abused the complainant. Thereafter, the applicant and other members of her matrimonial family had attempted to strangulate her by hanging her to rafter of her house. The rope had loosened. She fell on the ground and had fallen unconscious. She could not speak. The complainant was taken to hospital. She had disclosed about the incident to her relatives. On the basis of her report, Crime No. 127 of 2014 is registered.

6 It prima facie appears that the complainant had suffered harassment and ill-treatment at the hands of the present applicant and the other family members. The recitals of the FIR would spell out an offence under Section 498A clearly. As far as Section 307 of the Indian Penal code is concerned, there are records to show that she had sustained ligature mark on her neck.

7 Learned Counsel for the applicant vehemently submitted that the recitals of the FIR may not inspire confidence of the Court since it would not be possible for the family members to lift her up and make her hang. Learned Counsel has further submitted that within 5 to 6 months after marriage she had consumed poison and therefore, it appears *prima facie* that she had tendency to commit suicide.

8 Be that as it may, investigation is completed and charge-sheet is filed. The applicant has been in jail for a considerable time. Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is inclined to direct enlargement on bail of the present applicant.

9 The observations made hereinabove are *prima facie* in nature. The same shall not be considered while deciding application for quashing of FIR or for discharge or at the time of trial.

10 Hence, following order is passed :

ORDER

(i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount.

(ii) The applicant shall not contact the complainant in any manner.

11 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)