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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.143 OF 2015

Ajinkya Suhas Kshirsagar

..Applicant.

V/s.

State of Maharashtra

..Respondent.

Mr.Harshad Nimbalkar i/b. Mr.Satyam H.Nimbalkar for the applicant.

Mr.D.P.Adsule, A.P.P. for the respondent-State.

CORAM : MRS.MRIDULA BHATKAR, J.

DATED : 20TH JULY, 2015

P.C. :-

1. This application is moved for bail. The applicant-accused is arrested for offences punishable under section 498(A), 306 read with 34 of the Indian Penal Code in C.R.No.23/14 with Sangavi police station, Pune. One Sanjay Pagore gave information to the police on 22nd January, 2014 about murder of his daughter Snehal. His daughter Snehal got married with the applicant on 12th May, 2014 and was residing in Pune along with him. However, she was continuously tortured and beaten by the applicant-accused and the relatives of the husband. There was demand of Rs.2 lacs and gold by the applicant-accused. Many restrictions were put on her free movement and she was not allowed to contact her parents and

her family members. The applicant-accused used to suspect her and use to question her about her earlier so called love affair. On 21st January, 2014, the complainant called his daughter after 9.00 a.m., however, he could not talk with her because the applicant-accused took away the phone. On the same day, in the afternoon he received message that his daughter Snehal was in ICU and was being treated. He along with his wife rushed to the hospital and they found that their daughter was dead. The applicant-accused was arrested on 25th January, 2014. Hence this bail application.

2. Learned counsel for the applicant-accused has submitted that pursuant to an order passed by this Court, the handwriting expert report of the note which was found at the time of spot panchanama is received by this Court, so also the report of preparation of the note on the laptop is also received. He submitted that the applicant-accused is innocent and he has not committed any offence. It is the case of the applicant that Snehal committed suicide, however, he is wrongly implicated in this offence. Earlier also, she had tried to commit suicide by taking 15 combiflam tablets. The contents in the suicide note which was typed on laptop in fact exonerates the applicant-accused from punishment for the offence. He further submits that the head injury which is mentioned in the post mortem report had been caused when the applicant-accused was trying to take her down from hanging position. He could not bear the weight of his wife due to his shoulder injury. She

slipped and Snehal hit the cot and had sustained head injuries. He submitted that the head injuries might be the cause of death, however, as she was found hanging, the applicant-accused has given the cause of her death as hanging. He submits that the applicant is innocent and, therefore, bail be granted.

3. Learned prosecutor opposed the application. He relied on the statement of the father and other witnesses, so also the post mortem report and the letter written by the Medical Officer in respect of the queries made by the investigating officer about the injuries found on the body of the deceased Snehal. He submitted that it is not a case of suicide but is of murder. The conduct of the applicant-accused and his mother was not normal after the incident. When Snehal was taken to the hospital, they ran away from the spot. Considering the opinion of the doctor, the bail cannot be granted at this stage.

4. I have perused all the documents. The suicide note elaborates various details. In fact, it discloses the number of incidents between only the two of them. The Handwriting Expert report supports the theory of the applicant-accused which is admittedly important. A note which was found at the time of panchanama is as per Handwriting Expert's opinion probably written by the deceased. However, the post mortem report gives another story that the cause of death was not hanging but it was

due to head injury. A letter was written by police to the Medical Officer in respect of the injuries which was found on the body of Snehal when she was taken to the hospital first. It was rightly pointed out by learned prosecutor that the doctor has specifically mentioned that no ligature mark was found round the neck and cause of death was head injury only and the head injury was of such a nature that it must have been the caused due to assault and it cannot be by a fall. Considering the certificate, it appears that prima facie death of Snehal was homicidal. The complaint discloses further that the applicant-accused or his mother did not contact her parents when she was found death and she was taken to the hospital. In view of this, I am not inclined to grant bail. However, I given liberty to the applicant-accused to file fresh bail application in the event the trial is not over on or before 30th November, 2015.

(MRS.MRIDULA BHATKAR, J.)