

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 195 OF 2015

Hrishikesh Ambaji Patil

.. Applicant

V/s.

The State of Maharashtra

.. Respondent

Ms. Pooja Sejpal i/by Mr. Nitin Sejpal for applicant.

Mr. S.S. Pednekar, APP for State

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 25th February, 2015.

P.C.

1. Heard.

2. This is an application u/s. 439 of Criminal Procedure Code. The applicant herein was arrested on 15-11-2014 in Crime No. 50/2014 registered at Wadkhali Police Station for an offence punishable u/s. 498A and 306 of Indian Penal Code. The investigation is completed and the chargesheet is filed.

3. It is the case of the prosecution that on 15-11-2014 Srinath Patil lodged a report at the police station alleging therein that his sister Hemangi was married to the present applicant in January 2012. The applicant is alleged to have harassed his wife on one or the other count. That the applicant has purchased a vehicle which he used as a passenger auto. The complainant also used to drive the said auto sometimes and used to stay with the applicant. That the applicant had illicit intimacy with one Pranita who also happened to be a married woman. On 12-11-2014 the sister of the complainant had questioned about his intimacy with Pranita and

had further questioned whether he desires to marry her. He had candidly told his wife he desires to marry Pranita. Thereafter, the complainant and the applicant had left the house. When they returned home, they saw the sister of the complainant had committed suicide by hanging herself to the rafter of the house.

4. Perused records more particularly the statement of Pranita. She has admitted that she had intimacy with the present applicant. According to her, her husband had learnt about her intimacy with the present applicant and therefore asked her to return to her maternal house. She contacted the complainant and informed that she has been abandoned by her husband. At her instance, when he went to meet Pranita, he was followed by his wife and her mother and sister. They had asked the applicant about Pranita. He had told them that she happens to be the wife of his friend. There was some verbal altercation. That on the same day, she had committed suicide.

5. Prima facie, it cannot be said that the applicant had abetted or instigated his wife to commit suicide. The conduct of the applicant informing his wife that he desires to marry another woman, cannot be prima facie covered u/s. 306 of the Indian Penal Code. The investigation is completed and chargesheet is filed. Hence applicant deserves to be enlarged on bail.

6. It is made clear that the observations made herein above are prima facie in nature. The same shall not be considered while deciding the application for discharge or for quashing of FIR or at the time of trial.

7. 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/- with one or two sureties in the like amount.

(ii) Application is disposed of.

(SMT. SADHANA S. JADHAV, J.)