

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

**BAIL APPLICATION NO. 978 OF 2015**

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|----------------------|---------------|
| Pravin Shankar Sutar | .. Applicant  |
| Vs.                  |               |
| State of Maharashtra | .. Respondent |

Mr. Umesh R. Mankapure for the Applicant.  
Mrs. R.V. Newton, A.P.P. for Respondent - State.

**CORAM : MRS. MRIDULA BHATKAR, J.  
DATED : JULY 31, 2015**

**P.C. :-**

1           The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Sections 302, 201, 498(A) read with Section 34 of the Indian Penal Code in C.R. No.165 of 2014 registered with Tasgaon Police Station, District Sangli.

2           One Arvind Sutar, brother of deceased Pratibha, gave information to the Police on 23.6.2014. Earlier, he had given the information to police on 22.6.2014 of death of his sister as he found it suspicious and demanded enquiry in the matter. Pursuant to that, A.D. report was recorded under Section 174 of Cr.P.C. After enquiry police found that it is a case of murder and cruelty. Accordingly they booked the applicant/accused under the same charges. It is the case of the complainant that his sister Pratibha got married 7 years prior to the date of

incident with applicant/accused and they had 3 daughters. After wedlock, Pratibha was harassed by respondent for having 3 daughters. Applicant/accused and his brother, who is co-accused, used to harass her and torture in various ways. On 22.6.2014, the complainant received phone call from the applicant/accused that at night, Pratibha complained of headache and, therefore, he poured water on her head. However, she did not wake up and he found her dead. So he called him. Complainant along with his family members went the house of Pratibha. He noticed that on the body of Pratibha there were marks of injuries and white froth in her nose. He felt some foul play and, therefore, approached the Police. He demanded enquiry and postmortem. However, it is written in the F.I.R. that the applicant/accused and his family members hurriedly prepared for her funeral. The applicant/accused was arrested in the offence on 23.6.2014. Hence, this bail application.

3            Learned Counsel for the applicant/accused submitted that in the complaint which was given first in time i.e. on 22.6.2014, the complainant gave some other story, however, in his F.I.R. he stated some other facts. He further submitted that there is a spot panchnama drawn by police dated 22.6.2014 that the said panchnama was of the well wherein, as per the information given by the applicant/accused, the deceased had jumped in the well on that night and committed suicide, however, her body

was taken out from the well quietly by her husband i.e. applicant/accused and the co-accused, i.e. brother of the applicant/accused, in the fear of disrepute that may be caused to the family. He submitted that the applicant accused is innocent. He has not committed any offence and, therefore, considering the intensity in the case of the prosecution he is to be released on bail.

4            Learned Prosecutor has opposed the application. She relied on the statement of the witnesses, F.I.R. and the postmortem reports which discloses 13 injuries on her body. She further relied on final post mortem certificate which indicates Asphyxia due to smothering.

5            Perused the F.I.R., statements of the witnesses and post mortem report. Clause 17 of the postmortem discloses 13 injuries on her body and many of the contusions and abrasions and all these injuries are antemortem. Considering the contents in F.I.R. and post mortem report, it prima facie appears that the applicant/accused has played role in commission of offence of murder. Hence I am not inclined to grant bail.

6            Accordingly, the Bail Application is rejected.

**(MRS. MRIDULA BHATKAR, J.)**