

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1014 OF 2015

Anup Sudhakar Duduskar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. V. V. Purwant for Applicant

Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 20th JULY 2015

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 166 of 2015 registered at Shivaji Nagar Police Station, Thane for offence punishable under section 306 r/w 34 of Indian Penal Code.

2) It is the case of prosecution that present applicant had got married to Snehal on 17/12/2014. A discordant note had struck between the couple. The wife of applicant was undergoing irregular menses and therefore, she needed treatment. On 12/04/2015, applicant had noticed that his wife was not taking the medicines prescribed, and therefore, he was constrained to inform about it to her parents. Her parents had been to the house of the applicant and had given an understanding to his wife. In the heat of passion, applicant is alleged

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to have said that he does not wish to continue the married life with his wife. She had been along with her parents to her maternal house on the same day. There was conversation between the couple on 05/05/2015. The mother-in-law of the applicant had over heard the conversation, wherein wife of the applicant had asked him that what would be the consequences if she had not consented for the divorce. The phone was disconnected. On 06/05/2015, wife of the applicant, when she was in her maternal house, had committed suicide by hanging. On 19/05/2015, mother-in-law of the applicant namely Smita Sawant had lodged a report at the police station on the basis of which, crime no. 166 of 2015 was registered against applicant and others for offence punishable under sections 306, 498 (A) of Indian Penal Code.

3) It is pertinent to note that marriage was subsisting only for a period of six months. A discordant note had struck between the couple. Papers of investigation would reveal several messages exchanged between the couple, which would show that they had a different personality and needed time to adjust with each other. Admittedly, daughter of complainant has committed suicide in her maternal house. Prima facie, at this stage, it cannot be said that present applicant had abetted, aided or instigated the commission of suicide

and hence, he deserves grant of pre-arrest bail. It is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to concerned police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)