

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1472 OF 2015**

Pravin Laxman Jagdale	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1399 OF 2015**

1. Laxman Somaji Jagdale,	
2. Dilip Tulshiram Kate	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. S. S. Thombare for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

Mr. J. D. Mane for the Original Complainant

API Ms. Rupali Sandip Mali from Hadapsar Police Station, Pune is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 6th OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By these applications, the applicants seek pre-arrest bail in connection with C.R. No. 462 of 2015 registered with the Hadapsar Police

Station, for the alleged offences punishable under Sections 498(A), 306, 323, 504, 506 r/w 34 of the Indian Penal Code. Subsequently, it appears that Section 304B was added.

3. The complainant – Babasaheb Nalawade is the father of deceased 'P' (name withheld). In Anticipatory Bail Application No. 1399 of 2015, the applicant No.1 is the father-in-law of deceased P and the applicant No. 2 is the father-in-law of applicant No.1's second son Pravin. In Anticipatory Bail Application No. 1472 of 2015, the applicant is the brother-in-law of deceased 'P'. 'P' and Prashant (son of applicant No. 1 in ABA No. 1399 of 2015), got married at Sangola, Solapur on 12th June, 2015. After marriage, 'P' is stated to have gone to the complainant's house and thereafter returned back to Baramati on 25th June, 2015. As both 'P' and her husband Prashant were working in Pune, they came to reside in the flat belonging to her husband at Manzri Phata on 26th June, 2015. On 27th June, 2015, 'P' resumed her job and disclosed to her husband that she was to go to Ahmedabad for a training programme. Accordingly, on 30th June, 2015, 'P' left for Ahmedabad by flight and returned back on 3rd July, 2015. On 3rd July, 2015, 'P's husband Prashant, received an anonymous call

stating that he wanted to disclose something about his wife. On 4th July, 2015, `P's husband inquired with her about the said anonymous call and it is alleged that `P' disclosed to him that she was having an affair with one Avinash Marke since 2012. She has also alleged to have disclosed that the said Avinash Marke is working in IBM Company and that she had been to Ahmedabad with Avinash Marke and stayed with him for three days. She is also alleged to have admitted that she had physical relations with Avinash Marke since 2012. Pursuant to the said information, a meeting was called on 5th July, 2015 at Baramati with the parents of `P'. On 6<sup>th</sup> July, 2015, `P' along with her husband, in-laws and her parents came to Pune and took all her belongings from the house and allegedly gave an affidavit stating therein, that she had relations with Avinash Marke and that she has received all the jewellery back and that she had no complaints either against the husband or any family members. The alleged document is on page 20 of the application and has been signed by `P' and by `P's parents as witnesses. Since 6th July, 2015, `P' was residing with her parents. On 13<sup>th</sup> July, 2015, it appears that Prashant, `P's husband filed a petition under Section 12 (1)(c) of the Hindu Marriage Act praying for a declaration that the marriage between the parties was null and void. It was specifically

alleged in the said petition by Prashant, that he was cheated by `P' . On 16<sup>th</sup> July, 2015, it appears that `P' lodged a complaint, which was registered vide C.R No. 364 of 2015 with the Hadapsar Police Station, as against Avinash Marke, alleging an offence under Section 376, 354(d) of the Indian Penal Code and under Section 67(a) of the Information Technology Act. In the said complaint/FIR, `P' had alleged that Avinash Marke was not ready to continue relations with her, though she had left her husband for Avinash Marke. On 5<sup>th</sup> September, 2015, `P' committed suicide at the complainant's house by pouring kerosene on her person, as a result of which, she sustained burn injuries and ultimately succumbed to the same. According to the complainant, his daughter `P' committed suicide as the applicants were suspecting her character and were insisting for a divorce.

4. Learned Counsel for the applicants submits that the applicant in ABA No. 1472 of 2015 is an Engineer by profession and has been staying separately at Sus, Taluka Haveli, District Pune, along with his wife and daughter. He submitted that admittedly the applicant was not living with the couple i.e. `P' and her husband. Similarly, he submits that the applicant Nos. 1 and 2 in ABA No. 1399 of 2015 were both living in

Baramati and admittedly not with the deceased and her husband. He submits that the allegation qua the applicants is that they were insisting `P' to give divorce to her husband. He submits that `P' left her matrimonial house on 6th July, 2015 and was residing with her parents till she committed suicide on 5th September, 2015. He submits that considering the facts of the case, it cannot be said that the applicants were responsible for `P's suicide.

5. Learned A.P.P opposes the bail application. She submits that the applicants were insisting `P' for a divorce from her husband and had got `P' to sign the document. She does not dispute the fact that the applicant in ABA No. 1472 of 2015 was residing at Sus, Taluka Haveli, District Pune, and the applicants in ABA No. 1399 of 2015 were residing at Baramati. However, she states that all the applicants were suspecting `P's character and were insisting that she divorce her husband, pursuant to which `P' committed suicide.

6. Perused the papers. It is not disputed that the applicants were living separately with their respective families. It is also not disputed that

`P' left her matrimonial home on 6<sup>th</sup> July, 2015 and was residing with her parents when she committed suicide on 5<sup>th</sup> September, 2015. The only allegation against the applicants is that `P' committed suicide as the applicants were suspecting her character and were insisting for divorce.

7. Considering the nature of allegations qua the applicants, the applicants are granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;
- (ii) The applicant in ABA No. 1472 of 2015 to attend the concerned Police Station on 4 consecutive Sundays from 10:00 a.m to 11:00 a.m;
- (iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

8. The Applications are allowed in the aforesaid terms and are accordingly disposed of.
9. It is made clear that the observations made herein are *prima facie* and are confined to these applications and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed Order.
