

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2517 OF 2014

Sunil Shankar Sutar. ... Applicant.  
Versus  
The State of Maharashtra and anr. ... Respondents.

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Mr. Anil Y. Bansode, advocate for Applicant.

Ms. R.V. Newton, APP for State.

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**CORAM : SMT.SADHANA S. JADHAV,J**  
**DATE : JANUARY 13, 2015**

**P.C.:**

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant is charge-sheeted in Crime No. 165 of 2014 registered at Tasgaon Police Station for offence punishable under Section 302, 201, 498A read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 23/6/2014 Arvind Shankar Sutar lodged a report at the police station alleging therein that his sister Pratibha was married to Pravin Shankar Sutar seven years prior to the incident. According to the complainant, his sister was harassed in her matrimonial house. On 22/6/2014 Pravin informed the complainant that on the previous night his wife had slept earlier since she had head-ache. In the morning, she did not wake up. He realised that she had died. On the basis of his report, Crime No. 165 of 2014 is registered against members of the matrimonial family including the present applicant, who happens to be the brother-in-law of deceased Pratibha. Investigation was set in motion.

4 It is pertinent to note that initially A.D. No. 66 of 2014 was registered on the basis of the report of Arvind Sutar. He had only sought investigation into the suspicious death of his sister. Body of Pratibha was sent for post mortem. The medical officer had not given

the cause of death. However, column No. 17 showed that the deceased had sustained as many as 13 external injuries. Her lungs were congested. There was fine froth pinkish in colour in lung.

5 No doubt, the sister of the complainant had died while in custody of her husband. He had tried to mislead the investigating agency by saying that she has died a natural death. It is upon the husband of the deceased to explain the cause of death, since she died while in custody of her husband. The applicant herein happens to be the younger brother-in-law of deceased Pratibha. Just because she had died in her matrimonial home, it cannot be said that all the family members would be held liable, more particularly, since the deceased was in exclusive custody of her husband at the time when she died. This is a case of circumstantial evidence. Investigation is completed and charge-sheet is filed. The applicant has made out a prima facie case for grant of bail.

6 The observations made hereinabove are prima facie in nature. The same shall not be considered at the time of hearing of application for discharge or for quashing of FIR or at the time of trial.

7 Hence, following order is passed :

**ORDER**

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

**(SMT. SADHANA S. JADHAV,J)**