

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

**CRIMINAL APPLICATION NO. 372 OF 2014
IN
CRI. REVISION APPLICATION NO. 444 OF 2014**

Dilip Balkrishna Yamjal

... Applicant.
(Org.Accused)

V/s.

The State of Maharashtra

... Respondent.

Mr. Niranjan S. Mundaragi, Advocate for the Applicant.

Mr. V.B. Konde-Deshmukh, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 23 JANUARY, 2015

P.C. :

1 Heard learned counsel appearing for the Applicant and the learned additional public prosecutor for the State.

2 The Applicant has been convicted by the learned Assistant Sessions Judge for the offence punishable under section 306 of the Indian Penal Code. He was prosecuted for the said offence as well as for the offence punishable under section 498-A of the IPC. The applicant is acquitted of the offence punishable under section 498-A.

3 The deceased Neha and the applicant were married in the year 2004. Initially, 3 to 4 years there were

cordial relations between the husband and wife. In the year 2008, the applicant allegedly started suspecting fidelity of the deceased and there used to be frequent quarrels between the two.

4 On the date of incident, there was a phone call from one Renu on the mobile phone of the applicant. She posed herself to be a friend of one Jignesh, who wanted to talk the deceased. On this count there was a quarrel and the applicant had allegedly beaten the deceased. The applicant left the home after the quarrel. The deceased thereafter set herself on fire. She ultimately succumbed to injuries. Her statement was recorded by the Special Metropolitan Magistrate, when she was in hospital.

5 The above narrated incident has been described by the deceased in her statement. It is stated by the deceased that she was tired of frequent quarrels and therefore, she set herself on fire.

6 During the course of the arguments, learned counsel Mr. Niranjana Mundargi has brought to my notice that one Sanjay Deshmukh had developed intimacy with the deceased. While the deceased used to have chit with Sanjay Deshmukh on inter-net. The matter reached the Social Service Branch and ultimately, it was resolved. My attention is drawn

to the statement of the deceased and the applicant recorded by the police officer of the social service branch. The statements of the deceased indicate that she had admitted her intimacy with Sanjay Deshmukh. The applicant had received certain photographs of the deceased on his email box. These facts have also been admitted by the deceased before the police of social service branch. Mr. Mundargi has submitted that it is because of extra marital relations of the deceased that the applicant some time used to be furious. There was no intention to instigate the deceased to commit suicide. Mr. Mundargi has submitted that there is nothing in the evidence which can amount to instigation on the part of the applicant.

7 The learned additional public prosecutor Mr. Konde - Deshmukh, has submitted that the learned trial Judge has rightly convicted the applicant and the Appellate Court (Additional Sessions Judge) has rightly dismissed the bail. It is submitted by the learned APP that the applicant has got a very weak case and therefore, he may not be granted bail.

8 After having considered the arguments of both the parties, it appears that there was a cause for the applicant to be furious on occasions due to alleged relations of the deceased with Sanjay Deshmukh. These facts have come on record in the evidence. The applicant had examined one defence witness also. In view thereof, the applicant has got an arguable

case to demonstrate that he had a quarrel with his wife (deceased) for valid reasons. He had no intention to instigate her or he has not committed any act or has not omitted to do anything which may amount to instigation. In view thereof, I pass following order :

- i. The applicant to be released on bail in sum of Rs. 20,000/- with one solvent surety in the like amount or on a cash deposit of Rs. 25,000/- in lieu of surety.
- ii. The criminal application stands disposed of.

(JUDGE)

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