

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.36 OF 2016

Kisan Pandurang Majgavkar .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.N.N.Gavankar with Mr.Manas N.Gavankar, Advocate for the applicant.

Mr.Apoorv V. Singh, Advocate for the Intervenor.
Mrs.Rutuja Ambekar, APP for the Respondent State.

CORAM : P.N. DESHMUKH, J.

DATED : 22nd JUNE 2016

P.C. :

1 Applicant, husband of deceased, involved in Crime No.296 of 1993 registered by Dadar Police Station for the offence punishable under Sections 498(A), 306 of the Indian Penal Code, has sought bail.

2 Perused the FIR lodged by son of applicant immediately after the incident, at about 2.30 a.m., of suicide committed by deceased, who is his mother, in the night intervening 23rd April and 24th April 1993 at 00.10 hours. On bare perusal of report, it reveals that prior to deceased committing suicide by setting herself ablaze in their house, she was continuously ill-treated at the hands of applicant under the

influence of liquor and at the same time, applicant has assaulted deceased and had removed her *mangalsutra* and ear-rings and by pledging said ornament had obtained loan of Rs.10,000/-. It is further alleged that immediately prior to incident, applicant was made to understand by his relatives to properly treat his wife, however, he continued to provide ill-treatment to deceased due to which it *prima facie* appears that deceased Nalini committed suicide on the fateful night.

3 Considering the contents of report, as aforesaid, the learned counsel for the applicant during the course of argument submitted that applicant is even otherwise undergoing sentence of life imprisonment in some other crime and submitted that because of pendency of present proceedings, he is denied parole/furlough. The learned Additional Public Prosecutor has pointed out that the incident occurred on 23/04/1993. Applicant is arrested in the present crime after 22 years. Since he is undergoing sentences.

4 Having considering the submissions with reference to grant of parole/furlough, as submitted on behalf of the applicant and having considering the contents of FIR *prima facie* establishing involvement of applicant, he cannot said to be entitled for bail. However, as charge sheet is stated to be filed in September 2014, and it is submitted that charge is framed in trials in which charge sheet are filed in 2013-14, application is disposed of as rejected with following directions:

- (i) The learned trial Court, who is seized with the Sessions Case arising out of Crime No.296 of 1993 registered by

Dadar Police Station shall make an endeavour to decide the case as expeditiously as possible.

5 Application is disposed of in above terms.

(P.N. DESHMUKH, J)