

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 743 OF 2016

Shankar Bapu Patil

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Manisha Devkar Advocate for Applicant.

Mr. Vinod chate APP for the State.

Mr. P. B. Bhangare, P.S.I. Athpadi

Police Station, Sangli

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 1, 2016.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested in crime no. 84 of 2015 registered at Atpadi Police Station for offence punishable under section 302 r/w 34 of the Indian Penal Code.

2) Applicant herein was married to Priyanka on 06/06/2015. That on 21/06/2015, i.e. just within 2 weeks after marriage, Priyanka had telephonically informed her father that she was leaving with her husband for Mumbai on 22/06/2015. Her father had been to her matrimonial house to see

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off his daughter. She had then informed her father that she had heard the dialogue between her husband and his sister that they wish to eliminate her. That she had expressed her desire to take further education. She had not wished to conceive pregnancy as it would be a hindrance to her further education. Her father had assured her that he would speak to present Applicant. On 06/07/2015, the complainant Suresh Thorat had been to the matrimonial house of his daughter. Upon enquiry, her mother-in-law had informed that she has gone to college and that the Applicant was not at home. On 08/07/2015 at about 7.00 p.m., he had received a message from his relative that Priyanka is serious. Complainant therefore, rushed to her house. They noticed that Priyanka had died and that there was a ligature mark on her neck. It was then disclosed that Priyanka had committed suicide. The dead body of deceased Priyanka was sent for autopsy. Medical Officer who had conducted the autopsy on the dead body of Priyanka has given a specific opinion in respect of the cause of the death and has opined the cause of death is "Asphyxia due to strangulation".

3) It is a matter of record that Priyanka had died while in the custody of her husband. That it is clear that it is a homicidal death and not a death in

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unnatural circumstances.

4) The learned counsel for the Applicant submits that there is no evidence to the fact that the Applicant is responsible for the homicidal death. However, he is bound to give an explanation under section 106 of the Indian Evidence Act as his wife had died a homicidal death while in the custody of the Applicant. Hence, Applicant does not deserve to be enlarged on 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. The learned Sessions Judge shall not be influenced by the same at the time of trial.

5) Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)