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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.637 OF 2016

Sadanand Yuvraj Potdar	..Applicant.
V/s.	
State of Maharashtra	..Respondent.
Mr.V.V. Purwant i/b. Vikrant V. Phatate for the applicant.	
Mr.Arfa Sait, APP for respondent-State.	

CORAM : AM.BADAR, J.

DATED : 9TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.64/016 for offences punishable under section 498A and 306 read with 34 of the Indian Penal Code registered at Akkalkot (North) Police Station, Solapur by this application is prying for pre-arrest bail.
2. Heard the learned counsel appearing for the applicant. He argued that the allegations so far as cruelty are concerned are reflecting in domestic cruelty rather legal cruelty. He further argued that averments in the F.I.R. are only to the effect that deceased was not cooking and, therefore,

the applicant and his family members were harassing her. According to the learned counsel for the applicant, applicant was suspecting the character of deceased but averment in that regard are bald. The learned counsel submitted that the conduct of the applicant as reflected in the F.I.R. itself is relevant. He argued that after consumption of poison by Mayuri, he attempted to give mouth to mouth respiration to her and in that process he suck poison leading to his hospitalization. According to the learned counsel for the applicant, considering the fact that the applicant is a teacher by occupation, he has three year old son to care, therefore, his liberty needs to be protected.

3. The learned APP opposed the application.

4. The background facts are that the applicant Sadanand is a teacher working in Zilla Parishad School at village Kurnur, Akkalkot Taluka in Solapur District. On 12nd February, 2012 the applicant married Mayuri and thereafter the coupled started so-habitation. Mayuri was serving in Irrigation Department and was posted at Akkalkot. On 31st January, 2016 Mayuri consumed poison at her matrimonial

home and thereby committed suicide.

5. Perused papers of investigation. The death of Mayuri is because of consumption of poison. Perusal of F.I.R. as well as statements recorded by the Investigating Officer goes to show that deceased Mayuri was attending her workplace at Akkalkot by undertaking to and fro journey from her matrimonial house at Kurnur. F.I.R. as well as statements of witnesses goes to show that the present applicant, who is the husband of Mayuri used to suspect her character and he used to follow her to her workplace and even to Solapur where she happened to go for attending official meeting. The applicant used to see whether Mayuri goes to the office on a pillion rider on motor cycle of any other person. Upon protest by Mayuri, he used to beat her. The F.I.R. shows that even if anybody informs anything about Mayuri to the applicant, he used to assault her.

6. It is thus seen that within three years of her marriage, Mayuri committed suicide at her matrimonial house. Though the learned counsel for the applicant argued that there is no evidence of abetment, the series of events as seen

from the papers of investigation does not show that the suicide of Mayuri was a natural conduct of a normal human being. In the case in hand, constant harassment of Mayuri by suspecting her character by her husband, prima facie depicts provocation or incitement or encouragement on the part of the applicant for instigating her to indulge in the act of self effacement. Prima facie, it cannot be said that the applicant was not having knowledge that by his such act, his wife would commit suicide. Service of the applicant and age of his child would not be relevant for deciding the application. The offence alleged against the applicant is anti social and is having serious impact on the society. No case for anticipatory bail is made out. Therefore, the application is rejected.

7. Needless to mention that these observations are prima facie observations and the trial Court should decide the matter in the event of filing the charge-sheet uninfluenced by the same.

(A.M.BADAR, J.)