

CRIMINAL BAIL APPLICATION NO. 1787 OF 2016

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 7/8/2016 in
Crime No. 532 of 2016 registered at Yavat Police Station for the
offence punishable under Section 306, 498A, 504, 506 read with

Section 34 of the Indian Penal Code. Perused the papers of investigation.

2 It is the case of the prosecution that the applicant was married to Kavita in the year 2006. The couple is blessed with 2 boys. It is the case of the prosecution that on one fine day, the applicant has asked his wife to return to the parent's home and has informed her father that she is not efficiently carrying out the domestic chores. It is also the case of the prosecution that Kavita was meted out with ill-treatment and cruelty at the hands of the present applicant. That she had left the house of the applicant alongwith her children. On 3/8/2016 at about 8 p.m. Kavita had telephonically informed the applicant that she had seen him in the company of another lady. It is the case of prosecution that the applicant was keeping illicit relations with another lady. It is also the case of the prosecution that the applicant used to consume alcohol everyday and harass, ill-treat and assault Kavita under the influence of alcohol. That on 7/8/2016 Kavita had committed suicide by hanging in her matrimonial house.

That on the same day, autopsy was performed on her dead body. There was no external injuries on her person except ligature mark, which indicated the case of hanging. That on 7/8/2016 Bhagwan Shripati Kul i.e. the father of the deceased Kavita lodged a report at the police station alleging therein that she was harassed and ill-treated at the hands of the present applicant and therefore she has committed suicide by hanging. It is a matter of record that Kavita had committed suicide in the old house of the applicant which is adjacent to the residential house.

3 The learned Counsel for the applicant submits that the applicant was not aware of the said fact. However, he had shown the place to the police. The learned Counsel for the applicant submits that the applicant maybe liable for an offence punishable under Section 498A of the Indian Penal Code, but as on today, it cannot be said that the applicant had abetted, facilitated or instigated Kavita to commit suicide. Moreover, the applicant was married to Kavita 10 years ago.

4 As against this, the learned APP submits that on 6/8/2016 Kavita had informed her parents telephonically that she was being abused and assaulted by her husband and in-laws without there being any reason and that they were insisting upon her to bring utensils from her parental house. According to the learned APP, the investigation is not yet completed and therefore, the applicant does not deserve to be enlarged on bail. The learned APP has also demonstrated before the court that in the course of investigation, the Investigating Officer has recorded the statement of the son of the present applicant. That son has also conformed that the the applicant had illicit relations with another woman and that his mother has committed suicide. It is also confirmed that a discordant note had struck between the couple.

5 It cannot be said that the applicant has facilitated commission of the suicide and hence, the applicant deserves to be enlarged on bail.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same while deciding the application for discharge or 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. 25,000/- and one or two sureties in the like amount.

- (iii) The applicant shall report to the concerned police station on every Tuesday and Friday between 10 a.m. to 12 noon and cooperate with the investigating agency till filing of the charge-sheet or for 3 months, whichever is earlier.

(iv) The applicant shall not tamper with the evidence.

(v) The applicant shall furnish his residential address and contact details to the concerned Investigating Officer.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)