

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 49 OF 2017

Mr. Deepak Kumar Yoginder Yadav Applicant/Accused

Versus

State of Maharashtra Respondent
through Oshiwara Police Station.

None for Applicant/Accused.

Ms. J.S.Lohokare, APP for Respondent/State.

Mr. Rane, PSI, Oshiwara Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 25TH JANUARY, 2017.

P.C.

. None present for the applicant. The applicant herein is arrested on 19th June, 2016 in Crime No. 313/2016 registered at Oshiwara Police Station. The investigation is completed and charge sheet is filed against the applicant for offence punishable under Section 306 of Indian Penal Code.

2. Perused the papers of investigation. It appears that the applicant was married to Jyoti on 10th March, 2014. The marriage was solemnized at Bihar. The couple had started residing at Mumbai, just six months prior to the date of incident. It appears

from the record that there used to be intermittent quarrels between the applicant and his wife and N. C. No. 2254 was registered at Oshiwara Police Station on 11th June 2016 by his wife. It also appears that the applicant was having illicit relations with another woman and that was the bone of contention. On 15th June, 2016 the wife of the applicant had consumed poison and had informed that she had consumed the poison due to his illicit relation with another woman. He had taken her to Dr. Rishikesh Jadhav. She was then referred to the Civil Hospital. She succumbed to the poison on 16th June, 2016. A/D No. 39 of 2016 was registered. The initial investigation was conducted in A/D enquiry.

3. On 19th June, 2016 the father of Jyoti had lodged report at the police station alleging therein that since Jyoti and applicant were at Mumbai, there were quarrels between them. Jyoti had informed telephonically to her father about the quarrel. It appears that Jyoti was carrying pregnancy of three months. It is also alleged that the applicant was harassing Jyoti and hence she had consumed poison. The statement of the Dr. Rishikesh Jadhav reveals that soon after Jyoti had consumed poison, the applicant had lifted her and taken her to the hospital in order to save her. There is an allegation that the applicant was having illicit relation with another woman, and therefore, his wife has committed suicide. By itself it cannot be said that the applicant had abetted, facilitated or instigated Jyoti to commit suicide. The applicant would be liable for an offence punishable under Section 498-A of Indian Penal Code. On perusal of

post mortem notes also it is clear that there were no fresh injuries on the person of the victim and that she had consumed poison.

4. Taking into consideration the papers of investigation and the fact that the investigation is completed and charge sheet is filed, the applicant deserves to be enlarged on bail. Observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order.

ORDER

- (i) Application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or more local solvent sureties in the like amount.
- (iii) The applicant shall report to the concerned Police Station on 1st and 3rd Sunday of each month till the framing of charge.
- (iv) The applicant shall not leave Mumbai till the conclusion of the trial.
- (v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)