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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 186 OF 2017

Arun Bhanudas Misal

...Applicant

vs

The State of Maharashtra

...Respondent

.....

Mr Udaynath Tripathi for the Applicant

Ms P.P.Shinde, APP for the Respondent

Mr Vilas Kadam, PI, Bangur Marg Police Station present.

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**CORAM : SMT SADHANA S. JADHAV, J.
23 JANUARY, 2017**

P.C. :

Heard. This is an application under Section 439 of the Code of Criminal Procedure, 1973. The Applicant herein is arrested on 14th August, 2016 in Crime No.212 of 2016 registered at Bangur Marg Police Station for the offences punishable under Sections 498(A), 306 of Indian Penal Code. The investigation is completed and charge-sheet is filed in the Court against the present applicant.

2 It is the case of the prosecution that in the year 2012 the applicant had got married to Sunita. In the year 2013, couple is blessed with a son who is named Varun. At present Varun is 3 years old.

3 It is the case of the prosecution that on 13 August, 2016 the applicant had called upon his father-in-law and informed her that Sunita had hanged herself in their house to the ceiling fan and she was taken to Siddharth Hospital, Goregaon. She was declared dead. On 14th August, 2016, father of Sunita namely Balu Dongare lodged a report at police station alleging that Sunita was married to the applicant in the year 2012. That he used to harass her and subject her to ill-treatment on the ground that he was suspecting her character. It is also alleged that he used to tell the people in the vicinity that a lady like Sunita had no right to live. It was alleged that Sunita was fed up with this ill-treatment at the hands of the applicant and finally on 3rd August, 2016 when she was alone she had hanged herself to the ceiling fan.

4 Learned counsel for the applicant submits that the papers of investigation would not reveal that the applicant had, at any time, instigated, abetted or facilitated commission of suicide. It is also submitted that the applicant was extremely possessive of his wife and that she had misconstrued the same. It is also submitted that the applicant would be liable for prosecution under Section 498(A) of Indian Penal Code. The applicant was not present at home when Sunita committed suicide. There is no material to indicate that soon before the incident, the applicant had instigated her to commit suicide. It is, in these circumstances, that the applicant deserves to be enlarged on bail.

5 Taking into consideration the papers of investigation, the role attributed to the applicant, this Court is of the opinion that the applicant deserves to be enlarged on bail. It is made clear that the observations in this order shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence the order.

ORDER

- (a) The application is allowed.
- (b) The Applicant be enlarged on bail on furnishing P.R. in the sum of Rs.30,000/- with one or more solvent sureties in the like amount;
- (c) The applicant shall report to Bangur Marg Police Station on first Sunday of each month till framing of the charge.

The application is disposed of accordingly.

(SMT SADHANA S. JADHAV, J.)