

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

**CRIMINAL APPLICATION NO. 657 OF 2017
IN
CRIMINAL APPEAL NO. 403 OF 2017**

1 Suhas Shamsunder Kshirsagar.
2 Sou Mangala Suhas Kshirsagar. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

Mr. Satyavrat Joshi a/w. Mr. V.V. Dushing, advocate for Applicants.

Mr. V.V. Gangurde, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : MAY 2, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under section 389 of the Code of Criminal
Procedure, 1973 seeking suspension of substantive sentence imposed
on the applicant. The applicants herein are convicted by Additional
Sessions Judge, Pune for offence punishable under section 304B read

with section 34 of the Indian Penal Code and have been sentenced to suffer R.I. for 10 years. They are also convicted for offence punishable under section 498A of the Indian Penal Code and sentenced to suffer R.I. for a period of 1 year in Sessions Case No. 333 of 2014 vide Judgment and Order dated 21/4/2017.

3 Perused suicide note of the deceased, which was found in the laptop of deceased. The learned Counsel for the applicants submits that the script of the said letter written by the deceased was not only placed on record by the prosecution, but prosecution had placed implicit reliance upon it for seeking conviction OF the accused.

4 Upon perusal of the said suicide note, it appears that the deceased was in love with somebody else prior to her marriage with the son of the present applicants. That when their son had learnt about it, the deceased had purchased a strip of 15 combiflam tablets and had consumed the same. However, her husband had admitted

her in hospital. The son of the applicants had put best of his efforts but she had frustrated by the same.

5 It is also categorically mentioned that present applicants were living separately from the victim. It appears that the son of the applicants had tendered his resignation and had concealed the said fact from the deceased. It is clearly mentioned that she was frustrated. It is also specifically stated that she had offered to help her husband financially by asking her parents to help. However, the husband of the victim had not permitted. She has thereafter, stated as follows :

“So there is no point to live anymore. Don't try to convince him. It will be of no use. He is very ziddi. My request to the Police(whoever sees this letter first) is to arrest ajinkya for being played with my emotions, telling lie to me, insecurity my future. I know that before 1-2 months he has given NC against me in police station to make him safe, but still I request you to arrest him.”

6 On perusal of this alleged suicide note, it is clear that the applicant deserves to be enlarged on bail. The learned Counsel for the applicants submits that the applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them.

7 In view of this, the application deserves to be allowed. Hence the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicants is suspended. The applicants be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each and one or more sureties in the like amount.
- (iii) The applicants herein shall report to the Additional Sessions Judge, Pune once in 6 months on the date specified by the concerned Court. Upon failure to attend two consecutive dates by the

applicants, the prosecution is at liberty to move for cancellation of bail.

8 The Application is disposed of on the above terms.

(SMT. SADHANA S. JADHAV,J)