

Anand

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

BAIL APPLICATION NO.1076 OF 2017

Neelima Subhashchandra Pramanik .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
BAIL APPLICATION NO.1077 OF 2017**

Deepa Subhashchandra Pramanik .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
BAIL APPLICATION NO.1078 OF 2017**

Moumita Apurvajit Mitra .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
BAIL APPLICATION NO.1079 OF 2017**

Subhashchandra Bijaykrishna Pramanik .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Niranjan Mogre i/b. Mr.R.G.Shinde, Advocate, for the
Applicants in all matters

Mr.Rajan Salvi, APP, for the Respondent - State in
B.A.No.1076 of 2017

Ms P.N.Dabholkar, APP, for the Respondent - State in

B.A.No.1077 of 2017

Mrs.Rutuja Ambekar, APP, for the Respondent - State in

B.A.No.1078 of 2017

Mrs.S.S.Kaushik, APP, for the Respondent - State in

B.A.No.1079 of 2017

CORAM : REVATI MOHITE DERE, J.

DATE : 28.04.2017

P.C.

. Mentioned. Not on board. Taken on board.

2. Heard learned counsel for the parties.

3. By these Applications, the Applicants seek their enlargement on bail in connection with C.R.No.179 of 2017 registered with the Pimpri Police Station, Pune, for the alleged offence punishable under Section 306 r/w.34 of the Indian Penal Code.

4. The Applicant - Neelima is the mother-in-law of the deceased - Apurvajit Mitra; Applicant - Deepa is the sister-in-law of the deceased; Applicant - Moumita is the wife of the deceased and Subhashchandra is the father-in-law of the deceased.

5. Learned counsel for the Applicants submits that the

Applicants are in custody since 03.04.2017. He submits that taking the prosecution case as it stands, no offence under Section 306 r/w 34 of the IPC is disclosed qua any of the Applicants.

6. Perused the papers.

7. The Complainant is Vishwajeet Madan Mitra, the father of Apurvajit Mitra (deceased); Applicant - Moumita was married to Apurvajit (deceased) on 05.02.2015. Moumita gave birth to a son on 20.11.2015. It appears that there was some marital discord between the deceased and Moumita. It appears that Moumita had filed a Petition under Section 12 of the Domestic Violence Act in the Court of the learned Magistrate, Pimpri on 19.03.2016 making allegations against her husband - Apurvajit and had prayed for certain interim orders in the said Petition. In the interim Application, Apurvajit was directed to pay monthly maintenance of Rs.10,000/- to Moumita & the child. It appears that maintenance was not paid. On 31.03.2017, Apurvajit committed suicide at his residence. According to the Complainant, his son - Apurvajit was being harassed by the Applicants, pursuant to which he committed suicide. In the suicide note which was found, it was written as under :-

“I, Apurvajit Mitra, consider Moumita, Subhash, Deepa, Neelima Pramanik the reason for my suicide. Sorry Dad and Mom”.

8. The incident is indeed unfortunate but taking the prosecution case as it is, it is doubtful whether an offence under Section 306 of the IPC is disclosed, in the peculiar facts of this case.

9. Accordingly, the Applications are allowed and the Applicants are enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicants be released on cash bail in the sum of Rs.10,000/-, for a period of two weeks. The Applicants shall thereafter furnish PR Bond of Rs.10,000/- each; with one or two sureties in the like amount, within a period of two weeks of their release on cash bail.

10. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

11. It is made clear that the observations made herein

are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)