

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

BAIL APPLICATION NO. 1187 OF 2017

Dhananjay Pandharinath Sonawane ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr. K.S. Patil i/b P.S. Hagare for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 07th SEPTEMBER, 2017

P.C.:

1 This is an application under Section 439 of Cr.PC. in C.R. No. 748/2016 dated 31.12.2016 registered with Indapur Police Station, District Pune under Sections 306 read with 34 of Indian Penal Code.

2 Heard the learned Counsel appearing for the Applicant, learned APP and perused the entire charge-sheet annexed to the application.

3 It is the prosecution's case that, Applicant was having illicit relations with Ms. Shital, the elder sister of deceased Anita. Deceased Anita was the wife of the Applicant. Out of the wedlock of Applicant and Mrs. Anita, two children namely Master Veer and Ms. Mahi are begotten. That due to the said illicit relation with Ms. Shital and the Applicant, there used to be frequent quarrels for about past six

months from the date of commission of offence i.e. prior to 31.12.2016 between deceased Mrs. Anita and Applicant.

4 It is further stated that, the Applicant used to harass Anita on the say of Shital. That on 31.12.2016 between 10.00 am to 12.30 noon, Anita initially committed murder of her two children namely Master Veer and Ms. Mahi and thereafter, committed suicide in the residential premises. The First Information Report is lodged in the present crime by Shri. Ganpat Shinde, father of the deceased Anita. After completion of investigation, the police has submitted charge-sheet.

5 The statement of Latika Sonawane, the mother of Applicant, indicates that the Applicant was having illicit relation with Shital 2 to 2½ years prior to the date of incident and the said fact came to the knowledge of deceased Anita five to six months prior to date of incident. Thereafter, there used to be frequent quarrels between Applicant and deceased Anita. It is further stated that, on the say of Ms. Shital, the Applicant used to harass Anita.

6 After perusing the entire charge-sheet, prima facie it is difficult to accept that the Applicant was directly instrumental in abating suicide of Anita. It further prima facie appears that, there is no direct nexus between the alleged quarrel and/or harassment to Anita by the Applicant which drove her to take extreme step of committing suicide. In view thereof, the Applicant has made out a case for his release on bail.

7 Hence, the following order:-

i) The Applicant shall be released on bail in C.R. No. 748/2016 dated 31.12.2016 registered with Indapur Police Station, District Pune, on his furnishing PR Bond of Rs.50,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the Applicant shall attend Indapur Police Station on every first Monday of the week for a period of six months and thereafter, every first Monday of the month till completion of trial.

iii) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

iv) The Applicant shall also attend all the dates before the Trial Court.

v) Any two consecutive defaults in complying with the afore stated conditions will attract the provision of cancellation of bail.

vi) Application is disposed of with above terms.

(A.S.GADKARI, J.)