

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1192 OF 2017

Avinash Baban Ghumre

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

Mr.C.Pendse a/w Mr.C.A.Malgaonkar, Ms Ulka Shinde, Mr.Akshay Gosavi, Mr.Dharmesh Shah i/b. GMS LEGAL, Advocate, for the Applicant

Mr.Rajan Salvi, APP, for the Respondent No.1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 31.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 76 of 2017 registered with the Umbraj Police Station, Satara, for the alleged offences punishable under Sections 302 r/w 34 of the Indian Penal Code (for short 'IPC').

3. Learned Counsel for the applicant states that the applicant is the husband of deceased-Seema. He submits that the applicant and the deceased were residing at Pimpri, Karad, for the last 18 years. He

submitted that the applicant and the deceased have three children, two sons aged around 17 years and 18 years and a daughter aged 12 years. He submitted that the deceased was suffering from a mental disorder and that she was being treated by a doctor for the same. He submitted that there was no motive or reason for the applicant to commit the murder of his wife-Seema. He submits that infact, it is the deceased who committed suicide, as she was mentally unstable. He further submitted that the deceased's brother was living with the applicant's family for last several years and that he too has not made any allegations qua the applicant. He further submits that a false complaint has been lodged by Seema's mother as she was not having good relations with the applicant. He submitted that infact, the panchanama and all material collected by the prosecution would point to the fact, that the deceased committed suicide and that it was not a case for murder.

4. Learned A.P.P states that the statement of the doctor who was treating the deceased has been recorded. He submits that the doctor has stated that the deceased was being treated for her mental illness. He further submits that even the deceased's brother who was residing with the applicant's family has also been recorded and that he has not supported the prosecution. So far as Section 302 of the IPC is

concerned, he submits, that at this stage, there is nothing to show that, it is a case under Section 302 of the IPC.

5. Perused the papers. Admittedly, the Applicant and the deceased were married for about 18 years and had three children aged 17, 18 & 12 years. It also appears that the deceased was suffering from a mental disorder and she was being treated by a Doctor for the same. There is a statement of the Doctor, who was treating the deceased to that effect. It also appears from the statement of the deceased's brother that his sister (deceased) was suffering from mental illness and that he has not supported the prosecution. Be that as it may, in the facts, the possibility of the deceased committing suicide cannot be ruled out.

6. In the facts, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** by the investigating

officer till the filing of the charge-sheet or for a period of three months whichever is earlier;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. 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.)