

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1795 OF 2016

Pawan Shridhar Salunke

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Niranjan Mundargi i/b Mr. Vikram R. Sutaria Advocate for Applicant.
Ms. Veera Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 12th JANUARY, 2017.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 14/06/2015 in crime no. 353 of 2015 registered at Malwani Police Station initially for offence punishable under sections 304 (B), 306 r/w 34 of the Indian Penal Code and section 4 of Dowry Prohibition Act. Investigation is completed and charge-sheet is filed against the applicant and others for offence punishable under section 306 of the Indian Penal Code.

2) It is the case of the prosecution that the wife of the applicant had committed suicide by hanging. On 14/06/2015, father of Poonam (deceased)

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had lodged a report at the police station, alleging therein that he had noticed his daughter wearing Mangalsutra. Upon inquiry, it was revealed that she has got married to the present applicant. Since they both belonged to different castes, the family more particularly the family of Poonam were against the said marriage. According to the first informant, his daughter was being harassed and ill-treated in her matrimonial home. It is alleged that sister of the applicant was also ill-treating her. Her brother Prabhat had brought Poonam back to the house on 06/08/2014. N.C. report was lodged against father of the applicant. It is also alleged that on 01/06/2015, present applicant had demanded Rs. 1 Lakh from the first informant. That he could not fulfill the demand. On 02/06/2015, his son Sushil had filed report at Malwani against the applicant and his family members. It is alleged that there was a demand of dowry and finally Poonam had died in her matrimonial home. Initially offence was registered under section 304 (B) of the Indian Penal Code. The body of Poonam was sent for autopsy. The Medical Office has opined as follows:

“Death due to hanging”.

3) There were no other injuries on the person of Poonam. In the course of investigation, it was revealed that Poonam had left a suicide note.

4) Upon perusal of the suicide note, it is clear that the couple was being harassed only because of the love marriage and that they belong to different castes. She had requested her parents to take care of her husband. She had also expressed that her in-laws have given her love like parents. She had no grievance against any of the members of her matrimonial family. It is clear that she had committed suicide due to depression. Applicant deserves to be enlarged on bail. However, it is made clear that observations made herein above are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)