

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

CRIMINAL BAIL APPLICATION NO.2538 OF 2017

Deepak Sarjerao Tadakhe
vs.
The State of Maharashtra

..Applicant

...Respondent

Mr.Dilip Bodake for the Applicant.
Mrs. P. P. Shinde, APP for the Respondent .
Mr.Prakash K. Rathod, PSI Karad Taluka Police Station, Satara

**CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 18th December, 2017**

P.C.:

. Heard. This is an application under section 439 of Cr.P.C. The Applicant herein is arrested on 8/10/2017 in Crime No.429/2017 registered at Karad Taluka Police Station for the offences punishable under sections 306, 498-A read with 34 of Indian Penal Code. The investigation is completed and charge-sheet is filed on 8/12/2017.

2. The facts of the case in the nutshell are as follows:

On 8/10/2017 one Prakash Jagannath Karande lodged report at the Karad Taluka Police Station alleging therein that his daughter Anjali was married to Shashikant Sambhaji Suryawanshi on 21/1/2016. It is alleged that the present Applicant was in love with Anjali. However she did not respond to the same. They had refused the said proposal. The proposal of Shashikant Suryawanshi was brought by the present Applicant and his family members. On 3/2/2016 Anjali and her husband had visited the house of the first informant. She was residing with her parents at that time had disclosed to her parents that the present Applicant was calling her frequently on her cell phone and was soliciting sexual favours from Anjali

on the ground that he was still in love with her. She had also disclosed that her mother-in-law and her husband had learnt about the same and therefore they were harassing and ill-treating her. On 3/2/2016 Anjali had accompanied her husband to her matrimonial house. On 7/2/2016 the first informant had received a phone call from Anjali informing him that the present Applicant continues to harass her on the cell phone. It is alleged that she was fed up with the harassment meted out to her by her husband and therefore on 7/2/2016 she had committed suicide by hanging herself in her matrimonial home. It is alleged that during the period 3/2/2016 to 7/2/2016 deceased Anjali was harassed by the present Applicant and, therefore she had committed suicide.

3. It is pertinent to note that the husband of Anjali and other co-accused has been enlarged on bail. The Applicant has been refused bail on the ground that he had contacted Anjali on the phone frequently 4 days prior to the commission of suicide. Moreover at that stage investigation was in progress and therefore the possibility of tampering her evidence could not have been ruled out.

4. It is pertinent to note that the first information report is lodged on 8/10/2017 i.e. more than 1 ½ year after commission of suicide by Anjali. There is no plausible explanation for the inordinate delay in lodging the FIR. Moreover the first informant claims that Anjali had disclosed to him on 3/2/2016 that she was being harassed by the present Applicant. It is not known as to why no action was taken nor the Applicant was summoned by the parents and given an understanding. At this stage, it cannot be said that the Applicant had facilitated commission of suicide by Anjali. It is in these circumstances that this Court is of the opinion that further incarceration is unwarranted.

5. The observations made hereinabove are prima facie in nature and shall not be considered for quashing of FIR, discharge application or at the time of trial and neither in any civil proceedings such as service, inquiry etc as they are restricted only to an application under section 439 of the Code of Criminal Procedure. Hence, the order:

ORDER

1. The application is allowed.
2. Applicant-Deepak Sarjerao Tadakhe be enlarged on bail on furnishing P. R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
3. Applicant shall report to the concerned Police Station on every Monday between 12.00 noon and 3.00 p.m. and shall co-operate with the investigation to the best of his capacity.

Application stands disposed of.

(SADHANA S. JADHAV, J.)