

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

BAIL APPLICATION NO.2554 OF 2017

Mr. Baban Bhikaji Watekar Applicant

Vs.

The State of Maharashtra Respondent

Mr. Vikas B. Shivarkar for the Applicant.

Mr. Vinod Chate, APP for the State-respondent.

Mr. Pradeep B. Jadhav, PI, Khed Police Station, Pune (Rural).

Coram : Smt. Sadhana S. Jadhav, J.

Date : 19th December, 2017

P.C.:

1 Heard the learned counsel for the applicant and learned
APP. Perused the papers of investigation.

2 This is an application under Section 439 of Code of
Criminal Procedure. The applicant herein is arrested on 20th June,
2017 in Crime No.224 of 2017, registered with Khed Police Station,
for the offences punishable under Sections 498-A, 306 read with 34
Indian Penal Code.

3 It is the case of the prosecution that the applicant was married to Padma in the year 2007. The couple is blessed with son, Utkarsh, who is about 8 years old. The applicant is running English medium school. It is the case of prosecution that on 13th March, 2017, Padma had committed suicide in her matrimonial house by hanging. On 20th June, 2017, Padma's father, Namdev Hanumant Sandbhor lodged a report at the Police Station alleging that the couple had led happy married life till 19th February 2017 and thereafter Padma had on several occasions complained to her family members that the present applicant desires to divorce her on the ground that he desires to marry Minakshi Patil. The family members had mediated and had requested him to change his decision, however, he had informed them that he is firm on his decision. That on 13th March, 2017, in the morning Padma had called her father and asked him to bring her son alongwith them on the same day in the afternoon. In the meanwhile, the present applicant had called upon sister-in-law of Padma and informed that when he had gone to purchase milk, Padma was alone in the house and that she was not opening the door. Thereafter, they all had broke open the door and had found Padma hanging to the fan.

4 Learned counsel submits that the incident is dated 13th March 2017, however, the first information report is lodged on 20th June, 2017 i.e. practically after more than three months of the

alleged incident. There is no plausible explanation for the inordinate delay in lodging the F.I.R. Learned counsel further submits that although the first informant has stated that there was a demand of Rs.5.00 Lacs on 16th February 2017, this cannot be said to be a case under Section 304-B of Indian Penal Code as no presumption under Section 113B of Evidence Act can be drawn in the present case. It is matter of record that Padma was also working as School Teacher. It appears that there were quarrels between the applicant and his wife and the commission of suicide was the result of the same. The applicant would be liable for the offence punishable under Section 498-A Indian Penal Code. Prima facie, at this stage, it also cannot be said that the applicant had abetted, instigated or facilitated the commission of suicide. Hence, the applicant deserves to be enlarged on bail.

5 However, the observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial or in any other civil proceedings. Hence, the order :

O R D E R

1 The application is allowed.

2 The applicant- Baban Bhikaji Watekar be enlarged on bail in C.R. No. 224 of 2017, registered with Khed Police Station, Pune on

furnishing P.R. bonds in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

(Smt. Sadhana S. Jadhav, J)