

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 432 OF 2018

Sainath Vyankatrao MandawadApplicant.

Vs.

The State of MaharashtraRespondent.

Mr. D.S. Mhaispurkar for the Applicant.

Mr. S.S. Hulke APP, for the Respondent-State.

Mr. Jagdish M. Bangar, PSI, Uttan Sagari Police Station, Thane (Rural).

CORAM : A. S. GADKARI, J.

DATE : 5th JULY, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. I-120 of 2017 registered with Uttan Sagari Police Station, District Thane under Section 306 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record.

3 The name of the deceased is Ms. Sanjana Jadhav, was aged about 19 years on the date of incident. The date and time of incident is 25th September 2017, between 12.40 to 1.00 pm. The present crime is registered on 2nd October 2017 and the Applicant has

been arrested on 3rd October 2017.

It is the prosecution case in brief that, the Applicant was having affair with deceased Ms. Sanjana Jadhav. That, as the mobile phone of the deceased Sanjana used to remain engaged for long period, the Applicant used to take doubt on her fidelity and was suspecting that the deceased was having an affair with somebody else also. It is the further prosecution case that, due to the doubt taken by the Applicant and due to his constant harassment, the deceased committed suicide at her residential place on the aforesaid date and time. As noted earlier, the Applicant came to be arrested on 3rd October, 2017. After completion of the investigation, the Police have filed the charge-sheet.

4 The perusal of the charge-sheet would indicate that the Applicant had been to the house of the deceased at about 10.30 a.m. on the date of incident. The said fact was noticed by her younger brother however, he did not find anything objectionable in their conversation and/or behaviour. That, Sanjana Jadhav committed suicide between 12.40 to 1.00 p.m. at her residential house by hanging. The statements of two other witnesses namely Ms. Nikita and Ms. Nita indicate that, the Applicant was having an affair with the

deceased and the deceased on few occasions told them that, the Applicant is doubting her character and is harbouring the believe that the deceased was having affair with some other person also. The said friends had advised her to break the relationship with the Applicant and at that time the deceased had told them that, she was badly involved in the Applicant.

5 After perusing the statements of the various witnesses, *prima facie*, it appears that, the Applicant did not instigate or abet the deceased to commit suicide.

6 In view of above, I am inclined to release the Applicant on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. I-120 of 2017 registered with Uttan Sagri Police Station, District Thane, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend Uttan Sagri Police Station, District Thane, on every first Monday of the month between 11.00

a.m. and 1.00 p.m.

- c) The Applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)