

Sarnobat

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

CRIMINAL BAIL APPLICATION NO. 435 OF 2018

Santosh S/o Sadashiv Ghode.

.. Applicant.

Vs.

The State of Maharashtra.

.. Respondent.

Mr. Mr. K. N. Shermale, for the Applicant.

Mr.N.B.Patil,APP for the Respondent.

CORAM : P. N. DESHMUKH, J.

DATE : 6TH MARCH, 2018.

P. C. :

1. Heard learned counsel for applicant and Additional Public Prosecutor. Admittedly, charge-sheet in the present Crime is filed before the competent Court.

2. Learned counsel for applicant submitted that in the entire charge-sheet, there is no evidence establishing involvement of applicant, who is husband of deceased Nilam to have provided ill-treatment to her to such an extent that due to the conduct of the applicant, as such deceased committed suicide on 9th September, 2017 by consuming poison. It is submitted that no statements of independent witnesses are recorded and though statements recorded are only of near relations of deceased which are similar in nature. It is also contended that even from the statements or from the report, there is nothing to establish as to what prevented complainant, from not lodging

any report against the applicant or his relatives earlier though according to the report as well as the statements of witnesses, within few days from the marriage of deceased with applicant which is performed some time in May, 2003, she was subjected to ill-treatment. It is therefore, submitted that as there is no sufficient evidence and according to the P.M. report since no injuries were found on the person of the deceased and as parents and sister of applicant are already released on bail, application be allowed.

3. Learned Additional Public Prosecutor opposed the application on the count that there is sufficient evidence against the applicant to establish his involvement.

4. Perusal of report substantiate the case of applicant, as according to contents though it is stated that few days after the marriage of applicant with the deceased, applicant had indulged into illicit relationship with one Kantabai, the labour and was addicted to liquor and as such indulged in quarrel with deceased and said fact though is alleged to be said by deceased to the complainant, no complaint is filed earlier. From the report, it is also revealed that marriage between deceased and applicant took place some time in May, 2003 and few days after the marriage, the illicit relations as alleged in the report were noticed by deceased of which she had informed to the complainant. However, in the entire charge-sheet

nothing is found which prevented complainant to lodge report in respect of alleged ill-treatment or illicit relations of applicant with Kantabai.

3. Perusal of statement of Arjun Shinde on record is similar to that of complainant Dnyaneshwar Uchale. Apart from above witnesses though there are statements of other witnesses they admittedly are related to deceased. No injuries are found on the person of deceased who according to P.M. report is certified to have died due to consumption of insecticides.

4. Considering the available material against the applicant, application is liable to be allowed as per order below;

ORDER

(i) The applicant shall be released on bail by his executing P.R. Bond in the sum of Rs.30,000/- with one surety in the like amount.

(ii) While on bail applicant shall mark his presence with Investigating Officer at Narayangaon Police Station, Taluka Junnar, District Pune on the first day of each month, initially for the period of three months and thereafter, quarterly pending trial.

[P. N. DESHMUKH , J.]

(44)ba-435-18