

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

CRIMINAL BAIL APPLICATION NO.530 OF 2018

Sandip Bhikaji Padhar	..Applicant
vs.	
The State of Maharashtra	...Respondent

Mr.Priyal G. Sarda for the Applicant .
Mr.Y. M. Nakhwa, APP for the Respondent.
Mr. K. K. Bhalekar, PSI Ghodegaon Police Station, Pune (R).

**CORAM : P. N. DESHMUKH, J.
DATE : 16th MARCH, 2018**

P.C.:

. This application is filed for grant of bail by accused involved in C.R. No.212/2017 registered with Ghodegaon Police Station, Pune for the offence punishable u/s.306 read with 34 of IPC.

2. Heard Mr.Sarda, learned counsel for the applicant and Mr.Bhalekar, learned APP for the Respondent-State. Charge-sheet is filed. Learned counsel for the applicant submitted that incident of accidental death by drowning of deceased took place on 7/9/2017, of which false report came to be lodged by the mother of deceased. It is contended that in fact deceased wanted to marry one Pravin Ramchandra Ganjave however since her marriage with Pravin was not accepted by his family, she was under depression and has therefore contended that as applicant was known to deceased since prior to the incident and had met her before the incident occasionally is falsely implicated in the present crime. It is therefore prayed that as investigation is complete, applicant be released on bail.

3. Mr.Bhalekar, learned APP opposed the application contending

that applicant was present on the previous night of incident in the house of deceased and as per available CDR he was in contact with her telephonically. It is contended that from the contents of report it is established that relation between the deceased as well as applicant were not cordial as deceased was subjected to harassment at the hands of applicant as applicant was insisting deceased to marry him to which she was refusing though she had initially accepted the said proposal. In view of aforesaid fact, it is submitted that there is sufficient evidence establishing his involvement in the suicidal death.

4. From the submission advanced as aforesaid and on perusal of the report dated 9/9/2017 of mother of deceased, it reveals that since 2013 applicant and deceased were knowing each other. Applicant by visiting complainant's house had expressed his will to marry deceased and thereafter used to interact with her on phone. However, deceased since was working as nurse in the hospital used to remain busy and for that reason used to not receive his phone calls due to which applicant misunderstood her that she was deliberately avoiding him and thus was abusing her on this count. Above portion of the report do not establish involvement of applicant in any manner much less as instigator or abator of the commission of suicide by deceased, immediately prior to commission of same.

5. However further content of FIR with reference to incident dated 7/9/2017 when perused reveals that the night on which deceased committed suicide, one female had introduced herself to be sister-in-law of applicant arrived in the house of complainant in the mid night at 12.30 a.m. on whose telephone applicant called and insisted to give it to deceased. Accordingly, both of them talked on phone and thereafter in the mid night her dead body was found in the adjoining reservoir. Except as

above there is nothing to establish involvement of applicant.

6. Perusal of spot panchanama reveals that there is no mention of distance between house of deceased and said reservoir. On instructions from Investigating Officer the distance is stated to be about 100 meters. Post mortem notes reveals that deceased died of asphyxia due to drowning and no injuries were found on her person. Considering this document, though prima facie it is established that deceased died by drowning, the issue which needs consideration is whether the applicant in any manner abetted the commission of suicidal death.

8. Mr.Sarda, learned counsel for applicant has relied upon the statement of one Pravin Ramchandra Ganjave. His statement reveals that he was having medical store and was knowing deceased since one year prior to the incident as his shop is situated near the hospital where deceased was working as nurse and used to visit his shop for purchasing medicines. He has further stated that deceased has informed him that applicant was bothering her by making phone calls upon which he use to make her understand and that the deceased has also informed him that she was interested in marrying him (Pravin) and that he should marry her else she will commit suicide and in fact has informed this fact even to her mother on telephone. He further stated that on 4/9/2017 he informed said fact to his father who informed him to call her family members who accordingly came on 5/9/2017 and in a meeting, father of Pravin informed that marriage between the complainant and applicant cannot be solemnized as they belong to different caste.

9. Considering the statement as aforesaid, there also appears to be one other reason as aforesaid due to which deceased was mentally disturbed and in fact from the statement of Pravin it is noted that she had

informed him that on Pravin's failure to marry her she would commit suicide. Thus, from the available material against the applicant, it cannot be said that applicant has instigated the deceased to commit suicide though he might be in contact with her telephonically, and had met her in the previous night of the incident.

10. For the aforesaid reasons, application is allowed as per order below:

ORDER

- i) In the event of arrest of applicant in C.R. No.212/2017 registered with Ghodegaon Police Station, Pune, applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount;
- ii) Applicant shall mark his presence with Ghodegaon Police Station, Pune on the first day of each month initially for a period of 6 months and, thereafter, quarterly on the first day of each such month pending trial.
- iii) Application is allowed and disposed of as such.

(P.N. DESHMUKH, J)