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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 560 OF 2018

Bharat Agatrao Mote	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Prabhakar M. Jadhav, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. S. S. Waykar, PSI, Malshiras P. S. - present.

CORAM : P. N. DESHMUKH, J.

DATE : MARCH 15, 2018

PC :-

1. This is an application filed by Applicant for grant of bail, who is involved in C. R. No. 26/2018 registered with Malshiras Police Station, district Solapur for the offences under Section 306 read with 34 of Indian Penal Code.

2. Learned counsel for Applicant submitted that deceased was married to Applicant 18 years before and on 26.1.2018 she accidentally fell in the well and died of drowning. However, after death of deceased, Applicant is falsely involved on the basis of report

lodged by brother of deceased on the suspicion that Applicant has instigated deceased to commit suicide. This fact cannot be believed as even otherwise in the report it is mentioned that during the period of 18 years, there was no complaint made by complainant or by her parents to police or any authority about the alleged illtreatment provided to her by Applicant. In fact, according to the report, it is found that deceased had 3 daughters and one son from marriage with Applicant. It is submitted that other co-accused Sunanda is already released on bail. Learned counsel for Applicant has therefore, submitted that application be allowed by imposing suitable conditions while investigation is in progress.

3. Application is opposed by learned APP submitting that accused was found with deceased at well in the midnight and by referring to the statement of brother of deceased and Sangita, it is submitted that Applicant had indulged into illicit relations with one Sunita and for this reason there used to be quarrel between Applicant and deceased and has thus, committed suicide. It is further stated that Applicant in the year 2004 was involved in a case, registered under Section 302 of Indian Penal Code. Learned counsel for Applicant,

however, submits that Applicant is acquitted in that crime.

4. Considering the submissions as aforesaid, it is material to note that though brother of deceased states about alleged illtreatment given to his sister who was married to Applicant 18 years before, there is nothing to establish that any complaint was made by her about such alleged illtreatment to any authority. In fact, from the report it is found that in spite of Applicant stating that deceased accidentally fell in the well when she was to put on the motor, complainant and her relatives did not accept the said fact and scolded upon Applicant due to which he got afraid. It is further mentioned in the report that as Applicant was found scared, he was suspected and report thus came to be lodged against him.

5. Though from the statements of Sangita and brother of deceased there appears some fact about illicit relations of Applicant with Sunita @ Sunanda, said aspect is silent in the report. In that view of the matter, application is liable to be allowed as per order below:

- (i) Applicant be released on bail on his executing PR bond in the sum of Rs. 25,000/- with one surety in the like amount.

- (ii) Applicant shall attend Investigating Officer in Malshiras Police Station, district Solapur as and when called till filing of the charge-sheet;
- (iii) Application is disposed of in the aforesaid terms.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemath