

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 932 OF 2018

Vishal Vasudev Shelar.

...Applicant

v/s.

The State of Maharashtra.

...Respondent.

Mr. A.P. Mundargi, Sr. Counsel I/b. Mr. Pradeep P. Khittani, advocate for applicant.

Mr. V.Y. Dabake, APP for State.

CORAM : SMT. SADHANA S. JADHAV,JJ.

DATE : JUNE 12, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicant herein is arrested on 7th October, 2017 in Crime No. 187 of 2017 registered at Dighi Police Station, Pune for offence punishable under section 498A, 306 read with section 34 of the Indian Penal Code. The investigation is completed and charge-sheet is filed. Initially, there were four accused. Three co-accused have been enlarged on bail by this Court. The applicant happens to be the husband of the deceased.

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3 It is the case of the prosecution that on 5th October, 2017 wife of the present applicant had consumed rat poison and was taken to the hospital immediately. Upon admission she had disclosed to Dr. Kapil Patwardhan that she is a highly educated person. That she was desirous of doing a job or being employed and there was opposition by her in-laws. On 5th October, 2017 at about 10.45 p.m. she had requested her in-laws to allow her to take employment in view of the fact that she is a highly educated woman. They had denied on the ground that it was not necessary for her to take job. In a fit of rage, she had consumed rat poison. After she had started vomiting, she was rushed to the hospital. It is pertinent to note that at the relevant time i.e. on 5th October, 2017 the present applicant was at Bangalore on some assignment from his company. Her parents were called immediately. Similarly, the applicant was also informed about the incident and he had rushed to Pune.

4 On 6th October, 2017, considering the fact that it is a medico legal case, statement of Namrata i.e. wife of the present applicant was recorded by API of Dighi Police Station. She had reiterated the story which she had narrated to the doctor at the time of admission. On 7th October, 2017, she had succumbed to the poison and hence, the statement dated 6th October, 2018 is treated as a dying declaration. Soon after her demise, father of the deceased namely, Suresh Nikam

lodged a report at the police station alleging therein that his daughter was married to the present applicant in April, 2015. He was residing at Navi Mumbai. According to the complainant, Namrata was harassed and ill-treated by the members of her matrimonial family on various grounds including insufficiency in pursuing her domestic chores. The complainant has given several instances, which he had learnt from his daughter about ill-treatment meted out to her. According to the complainant, being fed up of the harassment and ill-treatment meted out to her, she had consumed rat poison.

5 It appears that being highly qualified i.e. after obtaining a degree in M.C.A., she did not wish to languish at home. She could not take daily bickering in the family as she was not prepared to adjust the same. She was in a habit of writing daily diary and the same is considered in the detailed order by which, her father-in-law, mother-in-law and sister-in-law are enlarged on bail. As far as the applicant is concerned, there seems to be some stray occasions on which he had denied to oblige her.

6 Upon perusal of the papers of investigation and considering the submissions of the learned Senior Counsel, this Court is of the opinion that prima facie the applicant has made out a case for grant of bail, as it cannot be said that he had either instigated, abetted or

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facilitated commission of suicide by Namrata, more particularly, since he was not residing with her on 5th October, 2017 and had to be summoned from Bangalore only after she had consumed poison.

7 However, it is made clear that the observations hereinabove are prima facie in nature. The trial court shall not be influenced by the same at the time of deciding discharge application or at the time trial.

8 Hence, the following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount.

(iii) The applicant shall not tamper with the evidence.

9 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]