

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

ANTICIPATORY BAIL APPLICATION NO.1186 OF 2018

Kunal Kiran Kulthe		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Satyavrat Joshi for the Applicant.
Ms. Veera Shinde APP for the State.

Mr. Dnyaneshwar L. Salve, PC, Chinchwad Police Station.

Coram : ***Smt. Sadhana S. Jadhav, J.***
Date : 19th June, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.147 of 2018, registered at Chinchwad Police Station, Pune for the offences punishable under Sections 306, 498-A, 315 read with 34 of Indian Penal Code.

3 It is the case of the prosecution that on 4th April 2018, the wife of the present applicant had committed suicide by hanging. On 7th April 2018 Sharad Premchand Dahiwal, father of the deceased lodged a report at the Police Station alleging therein that his daughter was married to the present applicant on 22nd February 2014. That the couple is blessed with a son. It is alleged that the applicant was in a habit of harassing his wife. She was beaten by the husband. That on 13th May 2014, she was made to undergo medical termination of pregnancy against her wish. It is alleged that there was a dispute between the husband and wife. She had filed an application under Section 125 of Code of Criminal Procedure against the present applicant, which was compromised before the Chief Judicial Magistrate at Beed on 22nd June, 2015 and thereafter his wife had started residing with him. It is alleged that being fed up with the atrocities at the hands of the present applicant and other family members she had committed suicide.

4 It appears from the papers of investigation that the wife of the present applicant had left the house on more than two occasions without informing the family members and the husband and the family members were constrained to file missing report. It appears that she used to return subsequently. The post mortem notes also indicate that the cause of death was due to hanging. It cannot be said that the applicant herein had abetted, instigated or facilitated the commission of suicide. Hence, the applicant has prima facie made out the case for grant of pre-arrest bail.

5 The observations are prima facie as this Court has considered the offence under Section 306 of Indian Penal Code and not under Section 498-A of the Indian Penal Code and the same shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order is passed :

ORDER

i) The application is allowed.

ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.30,000/- with one or more solvent sureties in the like amount.

iii) The applicant shall report to the concerned police station as and when called by Police and co-operate with the investigating agency.

(*Smt. Sadhana S. Jadhav, J*)