

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

BAIL APPLICATION No. 1952 of 2018.

Swapnil Nathuram Patil

..Applicant.

Vs

State of Maharashtra

..Respondent.

Mr. Ashok P. Mundargi, Senior Advocate a/with Mr. Kedar Patil
for the applicant.

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

Ms. Sheetal Bhimrao Bamane, Asstt. Police Inspector, Taloja
Police Station present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATE : 4TH SEPTEMBER, 2018

P.C:-

1) This is an application for bail under Section 439 of Criminal Procedure Code, filed by the aforesaid applicant, who is facing trial in Sessions Case No. 47 of 2018 pending on the file of learned Additional Sessions Judge, at Raigad-Alibag. Said sessions case arises from C.R.No. 9 of 2018 registered at Taloja Police Station, for offence punishable under Sections 306 of Indian Penal Code, pursuant to the first information report lodged by Firoj Iqbal Mehandikar.

2) Heard Mr. Ashok Mundargi, learned Senior Counsel for the applicant, and Mr Agarkar, learned APP for the State. Perused the records and considered the submissions advanced

by the learned Counsels for the respective parties.

3) The case of the prosecution, in brief, is that the applicant herein had abetted suicide by Smt.Nasreen, the wife of the first informant, Firoz Mehandikar.

4) A perusal of the first information report prima facie reveals that said Smt.Nasreen was married to the first informant Firoz Mehandikar in the year 2010 and that they had a daughter from the said wedlock. The first information report further reveals that in the year 2015 the first informant had learnt that said Nasreen was having extra-marital relationship with the applicant herein.

On 12th January, 2018 the first informant had called his wife, however, the phone was received by her friend Mrs. Zeba Khan. Said Zeba Khan told the complainant that the applicant had come at her place to take away Nasreen. The first informant told Zeba to inform Nasreen not to go along with him else he would lodge a police complaint. Later on he enquired with his wife. Nasreen told him that the applicant used to visit her very often and used to threaten her that he would show their marriage photographs to the first informant. Nasreen had allegedly told the first informant that the applicant used to

pressurise her to phone him. The first informant disclosed the incident to Atik Mujhawar, brother of Nasreen. On 13th January, 2018 at 6:30 a.m. the people from the said building woke him up and told that Nasreen had fallen down on the podium of the first floor of the building and was lying in a pool of blood. It was revealed that she had committed suicide by jumping from the 15th floor of the building.

5) The material on record, particularly, statements of Zeba Khan and Firoz prima facie reveal that though the deceased was married to the first informant, she was having friendly relations with the applicant. The statement of Mrs. Zeba Khan also prima facie reveals that the applicant had met Mrs Zeba Khan on 12th January, 2018. There was discussion amongst them about divorce and custody of the child. The statement of Mrs. Zeba Khan also prima facie reveals that there was altercation between Nasreen and the first informant. Though it is stated that Nasreen has stated that the applicant used to threaten the deceased, there is no other prima facie material to show that the applicant used to blackmail deceased Nasreen. The first informant had not lodged a complaint against the applicant prior to the death of Nasreen regarding alleged

photographs and threats.

6) Considering the above facts and circumstances, in my considered view, the material on records does not prima facie disclose the essential ingredients of “abetment”.

7) The applicant is a permanent resident of Uran, District Raigad and hence there is no chance of the applicant absconding or fleeing from justice. The applicant was arrested on 19/2/2018 and since then he is in jail. The investigation is already completed and the charge-sheet is also filed in the present case. Considering all these facts and circumstances, I am of the considered view that this is not a case which warrants custody pending the trial. Under these circumstances and in view of the above discussion, bail application is allowed on the following terms and conditions:

(i) The applicant is ordered to be enlarged on bail in Sessions Case No. 47 of 2018 pending on the file of learned Additional Sessions Judge, at Raigad-Alibag on his furnishing bail bonds of Rs. 50, 000/- with one surety in the like amount to the satisfaction of the learned Additional Sessions Judge, at Raigad-Alibag.

(ii) The applicant shall furnish his permanent and temporary addresses, if any, and his contact details to the Investigation Officer.

(iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(iv) The applicant shall not tamper with the prosecution evidence, or interfere with the prosecution witnesses in any manner.

(v) The applicant to co-operate with the conduct of the trial.

8) Application is allowed in the aforesaid terms and is accordingly disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)