

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

BAIL APPLICATION NO.2114 OF 2018

Girish Surajprasad Pandey	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Satish Naneshinde with Ms Snehal Khairnae, Ms Lakshmi Raman, Deepal Thakkar and Mr. Nikhil Naneshinde for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 24th SEPTEMBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No.611 of 2018 before the learned Sessions Judge, Pune. The aforesaid case arises from Crime No. 800 of 2018 registered with Hadapsar Police Station, District Pune, for the offences punishable under Sections 306, 323, 498 A, 504 and 506 of the IPC.

2. Heard Mr. Satish Maneshinde, the learned counsel for the Applicant and Mr. S.R. Agarkar, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveal that the Applicant was married to Meenakshi, in the year 1999. They have two children from the said wedlock. First child was given in adoption whereas second child, who is a son about 17 years of age, was living with the deceased-Meenakshi at Pune. Applicant was posted in Mumbai and was visiting the deceased and his son during weekends. The deceased-Meenakshi committed suicide on 7.7.2018. Mr. Mrutunjay Pathak, brother of the deceased-Meenakshi had lodged the FIR alleging that the deceased had committed suicide as the Applicant had subjected her to cruelty.

4. The records prima facie indicate that there was marital discord between the Applicant and the deceased. The Applicant suspected that the deceased was having extra marital relations. A family meeting was called and the Applicant and the deceased had decided to file divorce proceedings by consent.

5. The statement of the son of the Applicant prima facie reveals that on the previous night there was a fight between the Applicant and his wife-Meenakshi and that the Applicant herein had come out of the bedroom and had slept with the son in the sitting

room. The statement of the son of the Applicant prima facie reveals that the next morning, his mother appeared to be unhappy. She later jumped from the 11th floor and committed suicide.

6. The accusations made in the FIR in my considered view do not prima facie indicate that the Applicant had provoked, instigated, enticed the deceased to commit suicide or that he had aided and facilitated commission of crime. In short, the allegations do not prima facie constitute “abetment” within the meaning of Section 107 of the IPC.

7. The Applicant was arrested on 8th July, 2018 and is presently in magisterial custody. The investigation is completed and charge sheet has been filed. Hence, the presence of the Applicant is no longer required in custody. The Applicant has roots in the society and there are no chances of his absconding and thwarting the course of justice. Considering all the above facts and circumstances, in my considered view this is a fit case for grant of bail. Hence, the following order:

(i) The application is allowed.

- (ii) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.50,000/- with one or two solvent sureties in the like amount to the satisfaction of the learned Sessions Judge, Pune.
- (iii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Investigation Officer.
- (iv) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.
- (v) The Applicant shall not interfere with the witnesses or tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)