

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1851 OF 2018

Prakash Dhondiba Ware	Applicant
versus	
The State of Maharashtra	Respondent

Ms.Sandhya Mailagir I/by Anil D. Joshi for applicant.
Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st September 2018

PC :

1. The applicant is apprehending arrest in connection with CR No.I-303 of 2018 registered with Kalva Police Station for offence under Section 306 of Indian Penal Code. The FIR was lodged on 13th August 2018. The incident of suicide by the wife of applicant had occurred on 26th July 2018. The prosecution case is that the deceased Suman Ware was the daughter of the complainant. She was married to applicant in 2007. The applicant used to suspect her character, create trouble and assault her. On 20th July 2018 at about 8.30 am, the applicant had informed the complainant that Suman has committed suicide and she has been taken to hospital. Hence, the complainant along with her sons came there and saw that her daughter was declared dead. On inquiry with the applicant as well as neighbours she came to know that the deceased had committed suicide by hanging herself in the kitchen with her scarf to iron rod. Thereafter post mortem was conducted, which was followed by rights performed by the parties. During the course of investigation statements of the witnesses were recorded.

2. The applicant preferred application for anticipatory bail before Sessions Court, Thane which was rejected on 30th August 2018.

3. Learned counsel for applicant submits that the applicant has not committed any offence u/s 306 of IPC. There are no independent witnesses to support the prosecution case. All the witnesses are related to the deceased. The marriage between the applicant and deceased was solemnized in 2007 and the incident had occurred in 2018. It is submitted that there is no previous complaint against the applicant. Assuming that there were quarrels, they were in the nature of domestic quarrels which occurs in every family and there was no abetment for committing suicide. It is submitted that the minor children are dependent on applicant. Hence, this application may be allowed. It is also submitted that there is delay in lodging the FIR. Although the incident had occurred on 26th July 2018, the FIR was lodged after completion of all the rights on 13th August 2018. The allegations are therefore afterthought. It is therefore submitted that the allegations are after thought.

4. Learned APP submitted that investigation indicate that applicant used to harass the deceased by suspecting her character. The statement of complainant who is the mother of deceased was recorded which indicates that the deceased was being tortured by the applicant. It is submitted that the statement of minor son of the applicant was recorded. He has also referred to the fact that the applicant used to assault his mother. It is submitted that there is prima facie evidence against applicant and the application may not be allowed.

5. I have perused the documents on record as well as investigation papers produced by investigating officer. From the statement of the complainant and other witnesses including the statement of son of the applicant, it is apparent that prosecution case is that the applicant used to suspect the character of the deceased and used to assault her. There is no reason for minor son to give false statement against the applicant. Considering the nature of evidence against the applicant, anticipatory bail cannot be granted to the applicant. In the circumstances Criminal Anticipatory Bail Application No.1851 of 2018 is rejected.

(PRAKASH D. NAIK, J.)

MST