

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

BAIL APPLICATION NO. 2472 OF 2018

Govind Dehu Dende

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Kuldeep Patil for the Applicant.

Ms. J.S.Lohokare APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 27, 2018.

P.C.

1. This is an application for bail under Section 439 Cr.P.C. filed by the aforesaid applicant, who is facing trial in Sessions Case No. 59 of 2018 pending on the file of the learned Assistant Sessions Judge, Raigad, Alibag. The said case arises from Crime No. I-42 of 2018 registered with Pen Police Station, for offences under Section 306, 323, 506 of IPC.

2. Heard Mr. Patil, the learned Counsel for the applicant and the learned APP for the 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 Jani in the year 2013. They have a child from the said wedlock. Said Jani committed suicide on 12th March, 2018. Shri Shankar Shid, the brother of said Jani lodged FIR on 16th March, 2018 alleging that Jani had committed suicide because of cruelty meted out to her by the applicant.

4. The FIR prima facie indicates that the applicant and his wife Jani had led a smooth marital life till 2014. However, thereafter the applicant herein started doubting the character of his wife Jani which resulted in matrimonial discord and quarrels between the applicant and said Jani. The applicant had also informed the first informant and other family members of Jani about the said issue and that the family of Jani had intervened and had tried to save the marriage. However, despite such intervention, there was no change in the marital life of the applicant and his wife Jani.

5. The records prima facie indicate that on 12th March, 2018 the applicant had once again phoned the first informant and had told him that there was a quarrel between him and his wife Jani and that

she had threatened him that she will leave the house. The records further reveal that Jani had left the house on 12th March, 2018 at about 12.30 p.m. She did not return home, and later her body was found in a nearby canal.

6. The record thus indicates that deceased Jani had committed suicide because of the marital differences between her and the applicant. There is no prima facie material to show that the applicant had instigated or provoked her, or had in any manner aided her or facilitated commission of the crime. In short, there is no prima facie material to indicate that the applicant had played direct or active role which led his wife Jani to commit suicide or that he had committed such act which was intended to push her into a position that she commits suicide.

7. In my considered view, the fact that Jani had committed suicide because of baseless doubts entertained by the applicant about her character or consequent marital differences would not prima facie constitute 'abetment' within the meaning of Section 107 of IPC.

8. The applicant is a permanent resident of Pen, District Raigad and there is no possibility of the applicant absconding or thwarting

course of justice. There are no any criminal antecedents against the applicant. The applicant is in custody since 16th March, 2018. Charge sheet has already been filed and the presence of the applicant is no longer required in custody.

9. Considering the above facts and circumstances, in my considered view, this is a fit case for releasing the accused on bail. Hence, the order:-

- (i) The application is allowed;
- (ii) The applicant who is facing trial in Sessions Case No. 59 of 2018 pending on the file of the learned Assistant Sessions Judge, Raigad, Alibag, is ordered to be released on bail on the applicant furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Assistant Sessions Judge, Raigad, Alibag;
- (iii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond;
- (vi) The applicant shall not change his residential address without

prior intimation to the Investigation Officer.

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

Prasanna
Pradeep
Salgaonkar

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signed by
Prasanna
Pradeep
Salgaonkar
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(ANUJA PRABHUDESSAI, J.)