

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

CRIMINAL BAIL APPLICATION NO.2566 OF 2018

Sokalram Sonaram Purohit

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Mr.Ashok M. Saraogi, Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent – State.

Mr.Sudhir rathod, PSI, Sakinaka Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 25, 2018.

P.C. :

This is an application for bail in connection with C.R.No.355 of 2018, registered with Sakinaka Police Station, Mumbai, for the offences punishable under Section 306 of Indian Penal Code (“IPC”, for short). FIR was lodged on 7th June, 2018.

2 The prosecution case is that the first informant is the brother of the victim Smt.Manidevi, who has allegedly committed suicide on 6th June, 2018. The marriage between the applicant and the victim was solemnized in the year 2013. The prosecution case is that on 6th June, 2018, the complainant and other family

members received information that the victim had committed suicide by hanging at her residential premises, and, she was declared dead by Doctors, when she was admitted in the hospital. In the FIR it is stated that the victim used to visit her parents and return matrimonial home after the stay of one day. In March 2018, she had visited her parents. At that time, the brother-in-law of the victim had also visited her parental house. The applicant then telephoned her and questioned her as to why she has visited her parents and she was asked to return to matrimonial home. Her elder brother told the applicant that the victim be allowed to stay with her parents for few days. However, the victim's husband (applicant) was not willing to accept the suggestion. Apprehending that the victim would be assaulted, she was not sent to her matrimonial home. In March 2018, the applicant - accused visited the parental home of the victim. Her parents were not willing to send her back to the matrimonial home on the ground that she was being harassed as she had not conceived and she was mentally disturbed. The applicant assured that she will not be troubled. The victim, therefore, requested the parents that she be allowed to go as she cannot stay for indefinite period with them. In March 2018, the victim returned to her matrimonial home. After that she used to call her parents. She had also

informed that her husband used to assault her as she had not conceived. FIR was lodged on 7th June, 2018. Investigation is completed and charge – sheet is filed.

3 Learned counsel for the applicant submits that the offence under Section 306 is not made out against the applicant. There is no evidence to substantiate the requirements to constitute the said offence. There is nothing to indicate that the accused had abetted by any instigation to the victim to commit suicide. FIR indicates that the only dispute was with regards to her visit to parental home. It is submitted that the FIR makes it clear that she was frequently visiting her parents and stayed there. In the circumstances, the applicant had requested her to join the matrimonial home. It is the prosecution case that she has committed suicide. There is no compelling reason for the victim to take such a step. The applicant is in custody from the date of arrest. The investigation is completed and further detention is not necessary.

4 Learned APP submitted that the FIR and the statements of other witnesses attribute specific overtact to the applicant of harassing the victim as she has not conceived. It is

further submitted that the victim has died in a suspicious circumstances. At the time of incident, the applicant was present in the house. The postmortem report and the inquest panchanama indicate that there are several injuries on the person of the victim. There is sufficient evidence to substantiate the charge under Section 306 of IPC. Hence, the application be rejected.

5 Having heard both sides. I have also perused the charge-sheet. The applicant and the deceased were residing together. Evidence indicates that the accused used to harass her and assault her as she has not conceived. The marriage is solemnized in 2013. The incident of suicide had occurred in June 2018. The statement of witnesses indicates that the applicant and the deceased were together in the house on the date of incident. The inquest panchanama refers to injuries on the person of the deceased. When the incident was reported, the victim was found on the floor and the case of the accused is that she had hanged herself by sari and then she was pulled down. The cause of death certificate shows that the death is due to hanging with multiple contusion over the body. There are several injuries on the person of the deceased. The injuries were ante-mortem. On perusal of

the postmortem report, it can be seen that there were about 19 injuries on the person of the deceased. The injuries were found on the neck, chest, forearm, lateral aspect of right leg, right foot knee etc. The injuries are in the nature of scratch, abrasion, lacerated wound and contusions. The postmortem also indicate that all the injuries stipulated in column no.17 are ante-mortem. Thus, the victim had sustained several injuries on the date of incident. The Sessions Court while rejecting the application for bail, has taken into consideration the aspects. In the light of the aforesaid nature of the evidence against the applicant as stated hereinabove, case for grant of bail is not made out and, hence, the application deserves to be rejected. Bail Application No.2566 of 2018, is rejected.

6 It is clarified that the observations made in this order are *prima facie* for considering the application for grant of bail and the trial Court shall not be influenced by the same.

(PRAKASH D. NAIK, J.)