

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO.744 OF 2018

(Lalita wd/o Rupesh Pande ..vs.. State of Maharashtra, through PSO, PS Pandharkawada)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.A. Chaudhari, Counsel for the applicant,
Shri S.S. Doifode, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 01-08-2018

The applicant is arrested in Crime 579/2018 registered with Police Station Pandharkawada for offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. The deceased is the husband of the applicant.
3. The case of the prosecution is that the deceased was driven to commit suicide since the applicant had an extra marital relationship with the co-accused.
4. The learned Additional Public Prosecutor Shri S.S. Doifode has made available copy of the suicide note. In all fairness, Shri S.S. Doifode does not dispute that despite the verbosity and length of the suicide note, the substratum is that according to the deceased, he is committing suicide in view of the extra marital relationship between the applicant and the co-accused.

5. If the entire case of the prosecution is taken at face value, *prima facie*, it is difficult to hold that the applicant had the requisite *mens rea* to drive the deceased to commit suicide.

6. The application is allowed.

7. The applicant shall be released on bail on furnishing personal bond of Rs.15,000/- with one solvent surety of the like amount.

8. The applicant shall not tamper with the prosecution evidence nor shall attempt to influence the witnesses in any manner.

JUDGE

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