

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 856 OF 2019**

PRADEEP KUMAR

.....APPLICANT

Vs.

THE STATE OF MAHARASHTRA
& ANR.

.....RESPONDENTS

Mr. S.H. Sahani for the Applicant.

Ms. Rutuja Ambekar APP, for the Respondent-State.

Mr. L.M. Pawar, PSI, Cuffe Parade police station.

CORAM : A. S. GADKARI, J.

DATE : 9th APRIL, 2019.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in C.R. No. 36 of 2019 dated 28th February, 2019 registered with Cuffe Parade Police Station, Mumbai under Sections 306 read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge-sheet.

3 The first information report is lodged by Shri. Narendra Sinsinwar, father of Smt. Minu Balyan. The deceased Smt. Minu Balyan was wife of the Applicant.

It is the prosecution case that, between 10.30 p.m. of 26th

February, 2019 to 6.50 a.m. of 27th February, 2019, Smt. Minu Balyan committed suicide by hanging at her matrimonial house. That, the Applicant was having illicit relations with Smt. Sweta Chaturvedi and on the said count, there used to be quarrels and therefore, the Applicant harassed and abated the deceased to commit suicide.

4 The learned counsel for the Applicant submitted that, the informant is residing at Haryana and has no personal knowledge about the facts mentioned in the first information report. He submitted that, the Applicant does not have any relations with any other woman than the deceased. He submitted that, whatever stated in the first information report is not true and correct. That, the Applicant did not abate the deceased to commit suicide. He further submitted that, there is no name of author mentioned in the suicide note, which creates doubt about its genuineness. He, therefore, prayed that the Applicant may be protected by pre-arrest bail by allowing the present Application.

5 I have personally perused the record of investigation.

 The record indicates that, the version narrated by the first informant is corroborated by the statement of the daughter of the Applicant and the deceased. In her statement given to police, the

daughter who is aged about 10 years, has stated that, in absence of her mother, one lady used to visit their house. There use to be regular quarrels between the deceased and the Applicant. She has also stated that, on certain occasions, the deceased had told the Applicant that the Applicant is taking more care of the children of the other lady than his own children. The statements of neighbours further corroborate the version of quarrels and harassment at the hands of Applicant to the deceased. The neighbours have also stated that, one lady used to visit the premises of the Applicant in the absence of deceased.

6 There is a suicide note on record, left behind by the deceased, wherein the deceased has blamed the said lady with whom the Applicant is having relations.

As far as the contention of the learned counsel for the Applicant that, the name of author of the suicide note is not mentioned in the said suicide note is concerned, it is to be noted here that, the said document falls within the purview of Section 32 of the Indian Evidence Act, 1872.

The investigation of the present crime is at nascent stage and it is for the police to verify the genuineness and/or the author of the suicide note. *Prima facie*, the said suicide note inspires the

confidence in the mind of this Court.

7 The other contentions raised by the learned counsel for the Applicant i.e. the informant has no personal knowledge of commission of offence is concerned, it is to be noted here that, the informant has simply set the criminal law into the motion and it is for the police to investigate the cause of death and/or the role of the Applicant played in the present crime.

As noted earlier, the investigation of the present crime is at nascent stage and it will be too preposterous to adjudicate in detail the further relevance of other circumstances at this stage.

8 After perusing the record of investigation, this Court is of the *prima facie* opinion that, it is the Applicant who has abated the suicide of his wife. The custodial interrogation of the Applicant is necessary for unearthing the entire truth behind the crime.

9 In view of the above and after taking into consideration the gravity of the offence and the serious allegations against the Applicant, this Court is of the considered view that, the Applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)