

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

**CRIMINAL BAIL APPLICATION NO. 1668 OF 2019**

Rohan Sharad Sawant

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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Mr. Sanjiv P. Kadam i/b. Mohan Rao, Advocates for Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

Mr. A. V. Kandar, PC-598, Vengurla Police station, Dist. Sindhudurg,  
present.

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**CORAM :SARANG V. KOTWAL, J.**

**DATE :23<sup>rd</sup> SEPTEMBER, 2019**

**P.C. :**

1. The Applicant is seeking his release on bail in connection with C.R.No. 22 of 2019 registered with Vengurla Police Station, Dist. Sindhudurg, under sections, 304B, 306 and 498A of the Indian Penal Code. The applicant was arrested on 11/03/2019 and since then he is in custody. The investigation is over and the chargesheet is filed.

2. The FIR is lodged by brother of the deceased Suvarna. The first informant Subodh in his FIR had stated that the deceased had got married with the applicant about 5 years prior to the incident. They were blessed with twins. The deceased was working earlier with the Town Planning Department at Sindhudurg, but since 2017 she had left her job and was residing with the applicant. It is his case that the deceased was complaining regularly that the applicant was harassing her, assaulting her and was demanding money from her. The informant and others used to be assured by the applicant that the deceased would be treated properly and on such assurance the informant and others allowed the deceased to reside with the applicant. He has mentioned that from January 2019, at least on 7 to 8 occasions the deceased had come to their house and had complained that the applicant was harassing her and on every such occasion the applicant used to come to her place to take her back on the assurance that she would be treated properly. On 09/03/2019, at about 9.30p.m. the informant was told by his mother that the deceased was being assaulted by the applicant, therefore, the informant called the

applicant. At that time, he heard that the applicant was shouting on the deceased and was asking her to leave the house. On the next day i.e. on 10/03/2019 the informant came to know that the deceased had jumped in the sea and had committed suicide. On this basis, the FIR is lodged.

3. The Postmortem notes shows that the death was due to “Asphyxia due to drowning with evidence of antemortem multiple injuries over the body”. There were 12 injuries on the dead body which were in the nature of impact abrasion, contusion, graze abrasion etc.

4. The charge-sheet contains statements of the parents of the applicant and parents of the victim etc.

5. Heard Mr. Sanjiv Kadam, learned counsel for the applicant and Mr. Prashant Jadhav, learned APP for the State.

6. Shri. Kadam submitted that the allegations against the present applicant are vague. The applicant was residing peacefully with the deceased. The deceased herself was taking treatment from a Doctor since past about 7 to 8 years as is reflected in his communication to the police. He relied on such communication

given by Dr. Meghnath Lele to the Inspector of Police, Vengurla police station on 30/03/2019. Shri. Kadam relied heavily on his opinion. He submitted that though there are allegations of demand of money, these allegations are vague. He submitted that the injuries on the dead body could be caused due to the impact while she jumped from a bridge. Learned APP relied on the statement of the mother of the applicant. She has stated that at the night when applicant had left the house, just before that there was quarrel between the applicant and the deceased. Her statement also reveals that the deceased was complaining to her that the applicant was harassing her for money.

7. I have considered all these submissions. While it is true that there are allegations in the FIR and even in the statement of the mother of the applicant that the applicant was harassing deceased for money, these allegations would have to be seen in the light of the medical treatment which was being taken by the deceased.

8. As mentioned earlier, Dr. Meghnath lele had sent a communication to the P.I. Vengurla Police station. This Medical

Officer has categorically informed that deceased was taking treatment from him since past more than 7 to 8 years, that means, she was being treated since before her marriage. The FIR and the statements of her parents are silent on this aspect. It is further mentioned by the Doctor that the deceased was taking treatment in respect of her nature and behaviour. According to him, she was suffering from the illness of strange behaviour. The medical papers show that on 06/07/2018 the Doctor had advised that some relative had to accompany the deceased continuously. It shows that the deceased was suffering from some kind of depression and the doctor had advised that somebody had to be around her all the time. This opinion and circumstance support the submission of Shri. Kadam that the deceased had suicidal tendency. This fact will also have to be decided during the trial after entire evidence is led by the prosecution. However, at this stage, sufficient doubt is created in favour of the applicant to suggest that the deceased might have taken this extreme step because of her state of mind. Considering this aspect and since the charge-sheet is already filed, I am inclined to grant bail to the applicant.

9. Hence, the following order :

**ORDER**

- (i) In connection with C.R. No. 22 of 2019 registered with Vengurla Police Station, Dist. Sindhudurg, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**