

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1409 OF 2019
IN
CRIMINAL APPEAL NO. 1147 OF 2019

Deepak Raghunath Patil .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr. Shivraj R. Patil i/by Mr. Prashant Patil for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent/State.

CORAM: P. N. DESHMUKH, J.

DATED : 10th OCTOBER, 2019.

P.C:-

This application is for suspension of sentence and for bail by accused who was convicted by the Learned Sessions Judge, Thane in Sessions Case No.62 of 2015 for the offence punishable under Section 498-A of Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2,000/- and for the offence punishable under Section 306 of Indian Penal

Code, he is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-.

2. Learned Counsel for the applicant submitted that according to the case of prosecution, deceased who happened to be wife of applicant, died of committing suicide by consuming poison. However, there is nothing on record to establish within how much time, she was allegedly subjected to mental and physical cruelty and when she committed suicide. It is also contended that though according to the P. M. Notes, it is opined that cause of death is due to consumption of poison, no viscera report is on record. Lastly, it is contended that appellant was on bail pending trial and his sentence is already suspended by the Trial Court which suspension is further extended by this Court. He, therefore, prayed that application be allowed.

3. Learned APP opposed the application contending that there is sufficient evidence establishing un-natural death of deceased and that there is sufficient evidence which prima facie, established applicants involvement, who have instigated deceased to commit suicide.

4. In the background of above submissions, from the impugned judgment, the Learned Trial Court on analyzing the evidence noted that mental and physical cruelty, alleged to be proved to the deceased has been established as she failed to fulfill the demands of the accused. The Learned Judge, holding as such, noted that above evidence is sufficient to drive deceased to commit suicide. However, prima facie, it is noted that in the evidence, it has not come on record as to within how much time, suicide is committed by deceased from the alleged mental and physical cruelty.

5. Similarly, there is no viscera report as stated by the Learned APP on record which thus do not establish as to the cause of death of deceased if is by consuming poison. In the circumstances and since applicant was on bail, pending trial and is sentenced to short sentence of three years, which is suspended earlier, following application is allowed as per order below.

: ORDER :

(a) Applicant shall be released on bail on his executing PR bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand only) with one

surety in the like amount.

(b) Applicant shall mark his presence at Wada Police Station, Thane, District Palghar, quarterly on the first day of such month, pending appeal.

(P. N. DESHMUKH, J.)