

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

ANTICIPATORY BAIL APPLICATION NO. 1836 OF 2018

Jitendrakumar M. SahaApplicant.
vs.
The State of Maharashtra and anr.Respondents.

Mr. Tapan Thatte for Applicant.
Mr Mithilesh Singh for Respondent No.2.
Mr. M.G.Patil, APP. for State.
Mr. R.B. Adhashe, ASI from Koregaon Park Police Station present.

**CORAM : P. N. DESHMUKH, J.
DATE : 05th April, 2019**

++++++PC :

1. In compliance of earlier order to place on record handwriting expert's report, learned APP. had filed the same on record. Copy of handwriting expert report and suicidal note are taken on record and marked "X" for identification collectively.
2. Heard learned counsel for both sides. This Court by its order dated 17.8.2018 had granted interim protection to applicant who is

husband of deceased Lipsa who has committed suicidal. Applicant is found married with deceased some time in February 2016 and has committed suicide in the night of 3rd and 4th August, 2018 of which report is lodged by her father alleging that accused used to abuse and assault deceased due to which she committed suicide. This court while considering the application earlier had prima facie found that, there is possibility of false implication of applicant since there is matrimonial discord between him and his deceased wife. However, finding that there is involvement of suicidal note in the present crime by granting interim relief, prosecution was directed to place on record handwriting expert's report to rely upon the same if it is in the handwriting of deceased. Today prosecution has placed on record said report confirming that suicidal note is of the same person whose handwriting is sent for comparison. It is thus found that suicide note is written by deceased. However, from the bare perusal of said suicidal note, it does not support the case of prosecution in any manner as according to its contents no one is said to be responsible for her death. It is also found that on the night of incident the applicant was

not present.

Learned APP. on instructions from the intervener submits that though applicant was not present in the house on the date of incident, he was also not present for last rites and recovery of ornaments and cash is to be effected. However, for this reason, as above, no case is made out for rejection of bail as said part of investigation can be taken care of even if order is confirmed by issuing directions as follows. Hence, following order.

ORDER

- a) Interim order dated 17.9.2018 stands confirmed.
- b) In addition to the same, applicant shall attend the Investigating officer as and when called till filing of charge sheet.

(P.N.DESHMUKH, J.)