

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

BAIL APPLICATION NO. 2883 OF 2019

Siddappa Maddappa Jatteppagol ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr. Aniket Nikam a/w. Aashish Satpute a/w. Amit Icham i/b.
Vivek N. Arote for the applicant.

Mr. S. H. Yadav APP for the State/ Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 12TH DECEMBER, 2019

PC :

1. The applicant is seeking bail in connection with C.R. No. 378 of 2019 registered with Hadapsar Police Station, Pune under Sections 306, 498(A), 504 r/w. Section 34 of the Indian Penal Code, 1860 ('IPC' for short).

2. The prosecution case is that the victim was married to applicant's son on 9th April, 2017. The allegations are that the husband of deceased was doubting her character. on 21st April, 2019 she committed suicide by jumping from 3rd floor of her parental house. On checking memory card of mobile phone, it was seen that there was conversation between victim and her husband. It was heard from

recording that her husband was doubting her character and disputing paternity of the foetus.

3. The F.I.R. was lodged by the mother of the deceased on 2nd May, 2019. She has stated that her daughter got married with applicant's son on 9th April, 2017. Her daughter was studying, hence she was residing with the informant. Victim's husband used to meet her at informant's house. On 20th May, 2018 the victim was sent to her matrimonial house. In November, 2018 when the informant visited the victim, she told her that, her husband and applicant used to quarrel with her. The informant took victim with her for few days. When the victim was residing with informant they came to know that victim had conceived. The victim had informed the said fact to her husband. He stated that he would tell her after taking to his parents, whether the victim should continue with the pregnancy. In March, 2019, applicant's son (victim's husband) saw a photograph of a lady in indecent pose on networking site. The face was not seen in that photograph. The victim's husband blamed the victim and alleged that it was her photograph. The victim and her parents denied the said fact.

4. It is further alleged that the applicant's mother-in-law herself saw that girl in the same pose to find out whether that photograph was of that girl or of the victim. The applicant was not satisfied that the photograph was of the girl brought to their house. Therefore, the applicant's family still believed that the photograph was of the victim. The victim started staying with her parents. She was always under stress. It is the case of the first informant that victim's husband continued doubting her character. In that state of mind the victim jumped from 3rd floor of her house on 21st April, 2019. After about 4-5 days i.e. on 27th April, 2019 the victim's brother took her mobile phone and he found that on 15th and 16th April, 2019 there was recorded conversation in her mobile phone with her husband. Applicant's son (i.e. victim's husband) was alleging that the child was not his, and he was suspecting her character.

5. Mr. Nikam learned counsel for the applicant submitted that there are vague allegations against the applicant. The main allegations are against husband of victim. Conversation in mobile phone shows that just a few days

prior to the victim's death, her husband had conversation with her. The present applicant had nothing to do with incident of suicide and last quarrel of victim with husband.

6. Mr. Jadhav, learned APP submitted that the charge-sheet contains statement of one Rani Rajesh Balwant who was neighbour of the victim's parents. She has stated in her statement that the victim had jumped from the building because of her constant quarrel with her husband. This witness has stated that, the victim had told her that, her husband, mother-in-law and father-in-law used to harass her. Her husband used to pick up quarrel doubting paternity of child.

7. I have considered submissions of both side. There is no specific allegation, except general statement that applicant used to harass the victim. Apart from that, the F.I.R. itself shows that prior to the commission of suicide victim had conversation with her husband. The husband was suspecting her character. At this stage, therefore, there is no material against the applicant, except general allegations. The victim had committed suicide when she was residing with her parents. She was residing there for

more than a month. Therefore, it is doubtful whether the applicant can be said to have instigated the deceased to commit suicide. The mother-in-law of the victim had preferred ABA No. 2270 of 2019. The said application was allowed by order dated 16th October, 2019. The applicant is in custody from 3rd May, 2019. The investigation is completed and charge-sheet is filed, hence case for grant of bail is made out.

ORDER

- (i) Bail Application No. 2883 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 378 of 2019, registered with Hadapsar Police Station, Pune, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant is directed to report the concerned Police Station, once in a month on first Saturday of every month between 10:00 a.m. to 12:00 noon till further order;
- (iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)