

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (BA) No.387 of 2019
(Santosh Sadashiv Sawarkar .vs. State of Maharashtra through PSO PS
Borgaon Manju, Dist. Akola.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. U.J. Deshpande, Advocate for Applicant
Mr. A.D. Sonak, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 31, 2019.

The applicant has approached this Court for grant of bail as he stood arrested on 24.10.2018 in connection with first information report (FIR) registered on the same day against him and his mother for offences under Sections 498-A and 306 read with 34 of the Indian Penal Code.

2. The allegation against the applicant and co-accused was that they had harassed the victim i.e. wife of the applicant, who was driven to commit suicide by jumping into a well. It is pointed out that the co-accused i.e. mother of the applicant was granted anticipatory bail by the Sessions Court.

3. The learned counsel for the applicant submits that the marriage had taken place on 15.02.2002 and there have been two children from the wedlock. The FIR in the present case was lodged at the behest of mother of the victim, ostensibly on the basis of information given by daughter of the applicant regarding alleged harassment suffered by the victim which led to her

committing suicide. The learned counsel for the applicant has relied upon the statements given by the two children i.e. a daughter and a son of the applicant, during the course of investigation. It was submitted that the said statements belied the allegation made against the applicant and that, therefore, the present application deserved to be allowed.

4. The learned APP has opposed the present application, submitting that there is sufficient material to indicate harassment meted out to the victim by the applicant leading to her suicide.

5. A perusal of the material on record, particularly the two statements given by the minor children of the applicant, shows that although they have stated that there used to be quarrels between the applicant and the victim i.e. wife and he used to beat her, but as per the statements given by both the children, such incidents had stopped after they had grown up. As regards the incident that occurred immediately preceding the suicide committed by the victim, the statements on record do not indicate that any act of harassment had been undertaken by the applicant.

6. At present, the material on record does not seem to indicate any proximate reason to connect the applicant with the extreme step of suicide taken by the victim. Even otherwise, the applicant has been behind bars since 24.10.2018 and the investigation has been completed and the charge-sheet being filed on 29.12.2018.

7. In these circumstances, a case for grant of

bail is made out by the applicant. Accordingly, the present application is allowed and the applicant is directed to be released on bail in Crime No.357 of 2018 registered at Police Station Borgaon Manju, district Akola, on the following conditions:-

- a) The applicant shall furnish P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand) and a surety in the like amount.
- b) The applicant shall attend the proceedings before the trial Court on each and every date.
- c) The applicant shall not influence witnesses.

8. Needless to say that violation of any of the conditions noted above, may lead to cancellation of bail granted to the applicant. It is clarified that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE