

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

904 ANTICIPATORY BAIL APPLICATION NO.675 OF 2021

**LAXMAN VITTHAL DATAL
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr.Deshmukh Sachin S.
APP for Respondent-State : Mrs. V.S.Chaudhari
...

CORAM : SANDEEP K. SHINDE , J.

DATE : 14th July, 2021.

P. C. :

1. Heard Mr. Deshmukh, learned counsel for applicant and learned APP for State.
2. It is an application for anticipatory bail in connection with Crime No. 87 of 2021, registered with Chaklamba Police Station Tq. Georai, District Beed for the offences punishable under Section 306, 498-A and 504 of Indian Penal Code ('IPC' for short), applicant seeks pre-arrest bail.
3. Deceased Sanjiani (wife of applicant) committed suicide in a Well. Her body was recovered on 29th April, 2021. A postmortem report shows the probable cause of death was due to drowning. The injuries found on the person of the deceased were probably caused due to bite from aquatic animal. Prima-facie no anti-mortem injuries

were found on the person of the deceased. The marriage of the deceased with the applicant was solemnized in 2006. A couple has no issue from the wedlock.

4. Mr. Deshmukh, learned applicant for applicant submits that the deceased was carrying frustration because she could not begat a child. It is submitted that there were no complaints of harassment since after marriage, till the date of the incident. Mr. Deshmukh, learned counsel for the applicant would also submit that a statement of a sister of the deceased (eventually sister-in-law), cannot be relied on, in as much as she being interested witness and possibility of implicating applicant/accused cannot be ruled out. Mr. Deshmukh, learned counsel for the applicant therefore, submitted that the custodial interrogation of the applicant is not required.

5. On the other hand, learned APP has placed before me the investigation record. It shows that on 27th April, 2021, sister of the deceased, Varsha had been to the house of the deceased. She had witnessed the quarrel between the deceased and applicant. Thereafter, on the same day, at around 11.00 O'clock, when she had been to the house of the deceased, the deceased was not in the house and thereafter her whereabouts could not be traced. It appears Varsha, (sister of the deceased) informed the incident to her mother. She lodged a missing complaint on 29th. On the same day, the dead

body of the deceased was recovered from a Well. Whereafter on 5th May, subject crime came to be registered.

6. It may be stated that the material on record suggest, soon before the incident, applicant was found and seen in the company of the deceased. Material also suggest that applicant was suspecting the character of the deceased.

7. Be that as it may, that since the deceased died while at matrimonial home and was seen in the company of applicant before the alleged incident, it is to be presumed that the circumstances under which the deceased committed suicide were within the special knowledge of the applicant. As such applicants' custodial interrogation cannot be denied to State.

8. In consideration of the facts of the case and for the reasons stated above the application is rejected.

(SANDEEP K. SHINDE)
JUDGE