

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 659/2020**

Pravin Baban Dinkar

.....**Applicant****V/s.**

The State of Maharashtra

.....**Respondent**

* * * *

Mr. Kabul Singh Labana, Advocate for the applicant.

Mr. Ajay Patil, APP for State.

CORAM : SANDEEP K. SHINDE, J.
(through Video Conference)

Friday, 13th August, 2021.**P.C. :**

1. Heard learned Counsel for the applicant and learned APP for State.

2. Applicant's wife committed suicide by consuming poison. Autopsy Surgeon opined "death was due to cardio respiratory arrest due to poisoning". Deceased's father filed an First Information Report, whereafter offence under Section 498A and 306 of the Indian Penal Code was

registered vide Crime No.287/2018 against the applicant, his father and brother. The applicant was apprehended soon after the incident i.e. in November, 2018. Investigation is over.

3. Prosecution case in brief is that, the deceased married the applicant in the year 2008. Two children were born out of the wedlock. In the year 2009, deceased told her father that, applicant used to beat her since she could not bring money from her father. Except this stray and singular allegation, *prima-facie* there is no material to infer that deceased was subjected to harassment with a view to coercing her to meet any unlawful demand. I have perused the chargesheet and the statements of applicant's minor son and daughter. Children have alleged that, father was addicted to liquor and used to beat their mother. Their statements do not indicate that, father was demanding money or asking her to bring money from her father and therefore he was beating her. Whether the alleged beating and his addiction to liquor, prompted the deceased to take extreme step and to end her life in the circumstance she had no other option, but to commit suicide, would be ascertained only after prosecution leads the evidence. The applicant is in custody since November, 2018. He is a

permanent resident of Village-Asnoli, Shahpur Taluka. As such his presence for the trial can be secured by imposing the conditions.

3. In consideration of the facts of the case, and for the reasons stated above, the application is granted.

ORDER

(i) The applicant arrested in Crime No. I-287/2018 registered at Kinhavali Police Station, Thane, shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty five Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer as and when called and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

4. The application is accordingly allowed and disposed off.

5. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

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(SANDEEP K. SHINDE, J.)