

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

ANTICIPATORY BAIL APPLICATION NO.2700 OF 2021

Pravin Saini	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
INTERIM APPLICATION NO.2782 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.2700 OF 2021**

Umang Saini S/o Shri. Ganpat Ram Saini	..Intervenor
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IN THE MATTER BETWEEN

Pravin Saini	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Niranjan Mundargi a/w Mr. Ramesh Tripathi, Ms. Kshitija Chalke, Mr. Shubham Mishra, Mr. Mahesh Deshpande and Mr. Sagar Nikambe i/by Ramesh Tripathi & Associates, for the Applicant.
Mr. Ajay Patil, APP for the Respondent – State.
Mr. Bhavesh V. Magam, Advocate for the Intervenor.
Mr. K. R. Wankhede, API, Sanpada Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 25th NOVEMBER, 2021

PC.

1. Heard.
2. Applicant is seeking pre-arrest bail in Crime No.104 of

2021 registered with Turbhe Navi Mumbai Police Station for the offence punishable under Sections 498A, 306, 323, 504 r/w 34 of IPC.

3. Applicant got married with deceased on 21.11.2011 and bestowed with son and daughter.

4. On 21st June, 2021, complainant's sister i.e. wife of the applicant committed suicide and as such complaint came to be lodged on 21st June, 2021 and the offence came to be registered on 13th July, 2021.

5. Prosecution case is, applicant – husband used to ill-treat the deceased, practiced cruelty, at times assaulted her and as such said act has abetted the death of complainant's sister.

6. Mr. Niranjan Mundargi, learned counsel for the applicant submits that relationship between the parties i.e. applicant and deceased primarily appears to be comfortable as issues were born. The elder daughter is 8 years of age whereas son is younger one. He would further claim that is oral differences between applicant and complainant cannot be considered to infer the act of the applicant of abetting suicide.

7. Learned APP assisted by counsel for the complainant would urge that whatsapp messages, recording of the mobile

communication of which transcript is produced in investigation papers and the other communication between the complainant and the deceased as reflected on record *prima-facie* demonstrates that applicant was ill-treating the deceased which has prompted her to commit suicide. Statement of the daughter of the applicant aged about 7 years is sought to be relied on so as to substantiate the aforesaid claim.

8. Considered submissions.

9. With the assistance of learned APP, I have perused the case diary, the transcript on the conversation recorded on the mobile so also the whatsapp chats. The aforesaid material though speaks of certain differences between the deceased and the applicant however such differences occur generally in the married life of every person on the domestic issues. Nothing incriminating could be noticed from the aforesaid evidence so as to infer that applicant has provoked and further abetted the deceased to commit suicide.

9.1. At the relevant time, when the incident of suicide took place, daughter of the applicant and he himself were present at home and since deceased locked herself in a room, pursuant to complaint made by daughter the deceased broke open the door and noticed that his wife hanged herself. Even the statement of the daughter does not support the case of the prosecution i.e. about the theory of abetment of suicide. Though the statement of the

daughter of the applicant mentions that in past on one occasion applicant had slapped the deceased. However, said isolated stale event cannot be stretched to infer that the deceased to commit suicide because of same. The mobile conversation further demonstrates that in spite of the fact that complainant tried to dig out cause from the deceased of her differences with the applicant, deceased has not disclosed the same perhaps because it was to be sorted out at her level.

10. From the record, it appears that of late on domestic level the deceased was not having very comfortable relationship with the applicant. However, there is no material on record to infer that such conduct of the applicant will drive the deceased to take extreme step of committing suicide. It cannot be inferred from record that the deceased is likely to take such step was within the active knowledge of the applicant.

11. That being so, case for grant of bail is made out.

12. Applicant in the event of his arrest in Crime No.104 of 2021 registered with Turbhe Navi Mumbai Police Station for the offence punishable under Sections 498A, 306, 323, 504 r/w 34 of IPC be directed to be released on bail on executing P. R. bond of Rs.25,000/- with one or more sureties in the like amount.

13. Applicant shall attend the Investigating Officer from 6th

(11) - ABA-2700-21.doc.

December, 2021 to 10th December, 2021 between 10.00 a.m. to 12.00 noon.

14. Applicant shall surrender his mobile with the Investigating Officer forthwith.

15. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

16. Application as such stands disposed of.

17. In view of disposal of application, interim application also stands disposed of.

Digitally
signed by
BALAJI
GOVINDRAO
PANCHAL
Date:
2021.11.27
13:12:02
+0530

[NITIN W. SAMBRE, J.]