

NSC.

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

***CRIMINAL BAIL APPLICATION NO.3564 OF 2019***

Sohan Amrendra Mishra

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rajiv Patil, Senior Counsel a/w Ms. Sangeeta Salvi i/b Mr. Hasan Patel,  
for the Applicant.

Ms. S. V. Sonawane, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 27<sup>th</sup> JANUARY, 2021***

**P.C. :**

1                    Heard learned Counsel for the parties.

2                    By this application, the applicant seeks his enlargement on bail  
in connection with C.R. No. I-410 of 2018 registered with the Narpoli  
Police Station, Thane, for the alleged offences punishable under Sections  
304(B)(2), 306, 498A r/w 34 of the Indian Penal Code.

3                    Perused the papers. The applicant is the husband of deceased  
– Poonam. Poonam was married to the applicant on 5<sup>th</sup> May, 2018 and on  
16<sup>th</sup> October 2018, Poonam is alleged to have committed suicide by

consuming phenyl at her matrimonial house. Poonam was taken to the hospital, where she expired, pursuant to which her brother – Harishkumar Jha lodged an FIR/complaint as against the applicant, in-laws and brothers-in-laws. On 16<sup>th</sup> October 2018, the applicant was arrested and since then he is in custody. A perusal of the statement of the complainant as well as the statement of Poonam's father, recorded on 22<sup>nd</sup> October 2018 shows, that the allegations are more or less similar as against all the accused including the applicant. Poonam's father – Vijay Jha in his statement dated 16<sup>th</sup> October 2018 has alleged that all the accused including the applicant would ill-treat Poonam, pursuant to which she committed suicide. A perusal of the said statement shows that Poonam's relatives had not objected to the last rites being performed by the applicant. It appears that after a week i.e. on 22<sup>nd</sup> October 2018, Poonam's father – Vijay had made allegations of dowry demand and of assault by the applicant and other co-accused. He has also alleged that the accused were giving stale food to Poonam and that Poonam had complained about the same to them. It appears from the statement of Dr. Archana Gaikwad, that Poonam was about two months pregnant on 4<sup>th</sup> October, 2018 i.e. a few days prior to her committing suicide. Dr. Gaikwad in her statement has stated that Poonam had visited the hospital alongwith the applicant and that as she was bleeding, her sonography was done. Dr. Gaikwad has further stated that as

the heart beats of the foetus had stopped, Poonam was advised to undergo abortion and accordingly her abortion was done on 5<sup>th</sup> October, 2018. It appears that Poonam had sent some messages to her brother on the previous night (midnight) stating that all the accused including the applicant had assaulted her. The main allegations against all the accused including the applicant is of giving stale food to Poonam; of compelling her to eat the same; and assault. In the postmortem report, the cause of death was stated to be 'Death due to Acid poisoning'. It is not the prosecution case, that Poonam was administered phenyl by any of the accused. A perusal of the postmortem report shows that Poonam had certain injuries on her person i.e. abrasions (nail marks) over her abdomen and multiple abrasion over chest and that there was scabbing. *Prima facie*, it appears that the said injuries were prior to the date of the incident. Whether or not the applicant had abetted Poonam's suicide or not, is a matter which will be decided by the trial Court. The role of the applicant is similar to that of other co-accused who have been enlarged on bail by this Court vide order dated 16<sup>th</sup> September, 2019, passed in Criminal Bail Application No.976 of 2019. The applicant is in custody since 16<sup>th</sup> October 2018. Investigation is complete and charge-sheet is filed. Hence, further detention of the applicant is not warranted.

4           Accordingly, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions:-

**ORDER**

(i)           The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two local sureties in the like amount;

(ii)          The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. and 11:00 a.m. till framing of charge;

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

(iv)         The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5 The application is allowed in the aforesaid terms and is accordingly disposed of.

6 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7 All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

***REVATI MOHITE DERE, J.***