

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

922 BAIL APPLICATION NO.160 OF 2022

Imran Usman Pathan
Age: 29 years, Occu.: Business,
R/o. Ward No.2, Shrirampur,
Tq.Shrirampur, Dist.Ahmednagar. ..Applicant

VERSUS

The State of Maharashtra
Through Shrirampur City Police Station,
Dist.Ahmednagar. ..Respondent

...
Advocate for Applicant : Shri Majit S. Shaikh h/f.
Shri Sachin S. Deshmukh
APP for Respondent : Shri G.O.Wattamwar

...
CORAM : M.G.SEWLIKAR, J.

DATE: 26th February, 2022

PER COURT :-

1. Heard.
2. Pallavi Kuber Rajput (since deceased) was the sister of the informant. She was married to the applicant. It was a interfaith marriage. The span of marriage was of three years. This was applicant's second marriage.
3. It is alleged in the FIR that deceased Pallavi was pregnant of 6-7 months. Despite that, the applicant used to force her to

go for labour work and used to demand money for liquor and used to subject her to beating. Deceased Pallavi used to tell him about her ill-treatment. About four months before, applicant had subjected her to beating. At that time, applicant had abused informant also.

4. On 6th November, 2021 at 10:00 a.m., informant came to know through one Ajim that his sister Pallavi committed suicide by jumping before a moving train. Accordingly, he lodged the report on 6th November, 2021.

5. Shri M.S.Shaikh, learned counsel for the applicant invited attention of this Court to the statement of first wife of the applicant. He submits that from the statement, it is clear that there was only altercation. He submits that there is no evidence to show that the applicant had subjected to the deceased with such an ill-treatment that she was left with no other alternative but to commit suicide.

6. Shri G.O.Wattamwar, learned APP for the respondent-State submits that statement of landlady of the applicant shows that there used to be quarrels between the applicant, the deceased Pallavi and first wife of the applicant. He further submits that

applicant used to come under influence of liquor and used to pick-up quarrel. He submits that there are specific allegations against the applicant.

7. Charge-sheet is filed. Therefore, further detention of the applicant is not necessary. Statement of first wife of the applicant by the name of Tabbu Imran Pathan shows that on 5th November, 2021 applicant had brought clothes for deceased Pallavi and first wife Tabbu. Deceased Pallavi did not like those clothes and therefore, she refused to wear them. There was some altercation between the applicant and deceased Pallavi. Applicant went away without taking the tiffin. Thereafter, she realized that deceased Pallavi committed suicide.

8. From the statement of this witness, it appears that deceased Pallavi was second wife. Applicant had purchased clothes for deceased Pallavi on the occasion of festival Diwali. She did not like those clothes. On account of which some quarrel ensued and in the heat of moment she left the house and ended her life. Statement of landlady by the name of Sanjubai Baban Waze shows that there used to be quarrels. She does not say that the applicant used to beat her. To constitute cruelty, the conduct complained of should be grave and weighty. It must be

something more than ordinary wear and tear of married life. Therefore, mere mentioning that there used to be quarrels would not amount to cruelty. Offence is not punishable with death or imprisonment for life. Considering the evidence on record, I am inclined to release the applicant on bail. Hence, the order :-

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.758 of 2021, registered with Shrirampur Police Station, Dist.Ahmednagar, under Sections 306 of the Indian Penal Code and on condition that he shall not tamper the prosecution evidence.
- iii) Bail Application is disposed of.
- iv) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE