

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2585 OF 2022

IN

CRIMINAL APPEAL NO.170 OF 2020

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Samadhan Pralhad Tekale Applicant
Versus
The State of Maharashtra Respondent

Mr. Jaydeep D. Mane for the Applicant.
Smt. M.R. Tidke, APP for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th AUGUST, 2022

P. C. :

1. The applicant was the original Accused No.2 in Sessions Case No.299 of 2015 before the Additional Sessions Judge, Solapur. By its order dated 02.01.2020 the applicant was convicted for commission of offence punishable u/s.498A of the Indian Penal Code and was sentenced to suffer Rigorous Imprisonment for three years and to pay fine of Rs.2000/- in default to suffer Rigorous Imprisonment for six months. The applicant was also convicted for commission of offence punishable u/s.306 of the Indian Penal Code and was sentenced to suffer Rigorous Imprisonment for four years and to pay fine of Rs.2000/- in default to suffer Rigorous Imprisonment for six months.

2. The appeal is already admitted. He had earlier filed bail application pending appeal vide Interim Application No.551 of 2020 in Criminal

Appeal No.170 of 2020, but it was withdrawn with liberty to file fresh application after surrendering to the custody on expiry of parole. Accordingly, this application is filed.

3. Learned counsel for the applicant submitted that, the incident had taken place after 11 years from his marriage. The trial was conducted against the applicant and three others, who are in-laws of the deceased-Vimal. They are acquitted. There is no difference in the case against the applicant and the other accused, who are acquitted. He further submitted that, it is not the case of suicide, but it is the case of accident. The father of the deceased was present in the village after the deceased had gone missing, but no complaint of harassment was made. He, therefore, submitted that the applicant has good case on merits. The sentence is short. Therefore, bail should be granted during disposal of the appeal.

4. Learned APP opposed the application. She submitted that, the deceased had made a complaint before the Women Cell, Solapur regarding harassment before the incident of commission of suicide. It is mentioned by PW-4 in his evidence.

5. I have considered these submissions. Perused the deposition annexed to this application. PW-1 was the father of the deceased. He has stated that, the marriage had taken place in the year 2006. The incident had taken place on 27.08.2017. His deposition shows that, the allegations were made against all the accused including the accused who were acquitted. There is no difference between the role attributed to the present applicant and others. Learned counsel for the applicant submitted that, on 27.08.2017 they had gone to Mohol Police Station to lodge the

complaint regarding the harassment to his daughter. That time the applicant had also filed the complaint for her missing. That time, PW-1 has not made any allegations against the applicant. He had admitted in his cross examination that, it was always the case of the applicant that, the deceased wanted to reside separately. It is also mentioned by PW-7 Shankar Yangunde that, the applicant and the deceased were residing separately. PW-7 was the neighbor of the accused, but he had not supported the prosecution case regarding harassment. Thus, the applicant has some points in his favour, which will have to be dealt with at the stage of final hearing. The sentence imposed upon the applicant is maximum four years. The appeal is not likely to be decided during that period. The applicant was on bail during trial. There is no misuse of liberty. Therefore, the applicant deserves to be released on bail during pendency and final disposal of appeal.

6. Hence, the following order:

O R D E R

(i) During pendency and final disposal of Criminal Appeal No.170 of 2020, the applicant is directed to be released on bail on his executing PR. bond in the sum of Rs.30000/- with one or two sureties in the like amount.

(ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)