

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

ANTICIPATORY BAIL APPLICATION NO. 3524 OF 2022

SANTOSH
SUBHASH
KULKARNI

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Date: 2024.01.31
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Jyoti Pratik Kadam @ Jyoti Baliram
Nalawade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Samir Pradhan, i/b Amrish Salunkhe, for the Applicant.
Ms. Anamika Malhotra, APP for the State/Respondent.
Mr. Aditya Sharma, for the Original Complainant.
PSI Pramod Patil, Shrinagar Police Station, Thane (R),
present.

CORAM: N. J. JAMADAR, J.

DATED: 13th DECEMBER, 2023

ORDER:-

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

2. This is an application for pre-arrest bail in connection with CR No.249 of 2022, registered with Shrinagar Police Station, Thane, for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").

3. When the application was listed before the Court on 21st December, 2022, this Court was persuaded to grant interim bail observing *inter alia* as under:

“3. The applicant is the wife of the deceased – Pratik Kadam. The marriage of the applicant and deceased – Pratik was solemnized on 07/02/2022. It appears that Pratik was depressed and was habituated to drinking. It is alleged that the applicant was continuously taunting Pratik, over his drinking habits and for other reasons as well. There is also a suicide note found allegedly written by the deceased – Pratik, in which he has named the applicant and the family members for the extreme steps that he had taken.

4. Having regard to the nature of the allegations made in the First Informant Report, *prima facie* it appears that these allegations are not sufficient to attract the ingredients of offence under Section 306 of IPC. Learned Counsel for the intervener seeks some time to respond. Till that time an interim protection can be granted.”

4. The learned APP, on instructions, submits that in the intervening period the investigation is complete and charge-sheet has been lodged.

5. The learned Counsel for the first informant resisted the prayer for the pre-arrest bail. It was submitted that in the suicide note the applicant has been specifically named alongwith treatment which the applicant had meted out to the deceased.

6. I have perused alleged suicide note submitted by the Public Prosecutor. The suicide note names the applicant and her relatives as the persons responsible for the extreme step which the deceased took, without divulging the alleged acts of harassment and ill-treatment on the part of the applicant.

7. *Prima facie*, there does not appear to be a direct or proximate act which can be construed as instigation or intentional aid to commit suicide and which left the deceased with no option but to commit suicide. In view of the above, as the charge-sheet has been lodged, at this length of time, the custodial interrogation of the applicant is not at all warranted. I am, therefore, impelled to make the order of interim bail absolute.

8. Hence the following order:

: O R D E R :

- (i) Order of interim bail dated 21st December, 2022 is made absolute on the terms and conditions incorporated therein.
- (ii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

Application stands disposed.

[N. J. JAMADAR, J.]