

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 387/2023

Sudhakar s/o Shankar Sarode V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr S.Dhengale, advocate for the applicant.

Mr J.M.Khan, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/06/2023.

1. The present application is filed by the applicant for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No. 346/2022 registered with Police Station, Murtizapur (Gramin) for the offences punishable under Section 498-A, 306 read with Section 34 of the Indian Penal Code. The applicant is arrested on 18/11/2022 since then he is in jail.

2. The crime was registered on the basis of the report lodged by the Janabai w/o Madhukar Mangulkar at Murtizapur Police Station. On an allegation that the deceased Mangla initially got married with one Shivaji Ganpat Pohurwar, but there was matrimonial dispute between them and therefore, she had obtained the divorce from her husband. Thereafter, in the year 2016 her second marriage was performed with the present applicant with Sudhakar Shankar Sarode. It is alleged by the informant

that after marriage deceased was treated well for some months. Subsequently, she was ill-treated for the trivial reasons as the applicant was in a habit of drinking liquor. However, the deceased was cohabiting with the applicant as applicant under the belief that, one day everything will be fine. However, the applicant has continued the physical and mental cruelty to her as she fed up with the ill-treatment at the hands of the applicant. She has committed suicide by jumping into the river. The deceased has committed suicide due to the ill-treatment at the hands of the present applicant and thereby present applicant has committed the offence punishable under Section 306 and 498-A of the Indian Penal Code.

3. As per the contention of the applicant, that deceased died due to the falling down into the river and by taking disadvantage of her accidental death, the false report is filed against the present applicant. There was harmonious relationship between the applicant and the deceased. She never ill-treated by the applicant. However, due to the death of the deceased, the false report is filed and he has implicated in the alleged crime. Now, investigation is completed and charge-sheet is filed, his further custody is not required, and hence he be released on bail.

4. The said application on the ground that death of the deceased is caused within seven years of marriage.

The deceased has committed suicide as she fed-up with the ill-treatment at the hands of the present applicant. During the course of investigation, the matrimonial dispute was referred before the Mahila Cell as deceased was ill-treated to such an extent and she was even for committing suicide. Therefore, the present applicant is not entitled for the bail. Hence, the bail application deserves to be rejected.

5. Heard learned counsel for the applicant. He submitted that by taking disadvantage of the accidental deceased, his false report is filed. Now, the investigation is completed and charge sheet is filed, further custody of the applicant is not required. The applicant will abide by all the conditions imposed by this Court.

6. Per contra, learned APP reiterated the contentions. If the applicant/accused is released on bail, he will tamper with the prosecution evidence and will not be available for the trial.

7. Perused the application and the investigation report. Admittedly, it is the second marriage of the deceased with the present applicant. She has resumed the cohabitation at the house of the present applicant. There are allegations against the present applicant that under the influence of liquor, he used to ill-treat the deceased physically and mentally. Admittedly, no previous complaint

is filed, either by the deceased or by the relatives of the deceased.

8. Considering the investigation is completed and charge-sheet is filed. The death of the deceased as per the PM Report is due to drowning. No purpose will serve by keeping the applicant/accused behind the bar. The applicant is permanent resident of Lait, Taluka Murtizapur District Akola and submitted that he will abide by all the conditions imposed by this Court.

9. In view of the above reasons recorded, the application deserves to be allowed by imposing certain condition. Hence, I proceed to pass the following order:

- a) The applicant/accused Sudhakar Shankar Sarode hereby released on bail on executing PR bond of Rs. 25,000/- with one solvent surety of the like amount in respect of crime no. 346/2022 registered with Police Station, Murtizapur (Gramin) for the offences punishable under Section 498-A, 306 read with Section 34 of the Indian Penal Code.
- b) The applicant/accused shall not induce the witnesses by threat, pressurizing and shall not tamper the prosecution evidence.

- c) During the trial, the applicant/accused shall not leave the jurisdiction of the trial Court without prior permission of the Court.

Criminal application is **disposed of**.

JUDGE