

Sayali Upasani

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

BAIL APPLICATION NO.- 1448 OF 2024

Shashikant Nagnath Uttarkar

... Applicant

Vs.

The State of Maharashtra

...Respondent

**SAYALI
DEEPAK
UPASANI**

Mr. Ritesh Thobde with Zubi Ansari , for Applicant.

Ms. Ranjana D. Humane, APP for State/Respondent.

Digitally signed by
SAYALI DEEPAK
UPASANI

Date: 2024.04.26
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CORAM:- N. J. JAMADAR, J.

DATED:- 24th APRIL, 2024.

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) The applicant, who is arraigned in CR No. 192 of 2022 registered with Sadar Bazar Police Station, Solapur, for the offences punishable under Sections 498-A, 306, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, has preferred this application to enlarge him on bail.

3) Veena ('the deceased') was the daughter of the first informant. Her marriage was solemnized with applicant on 23rd February, 2015. They had two children. The applicant has been working as a Guard in the Indian Railways.

4) The first informant alleged that post-marriage, the applicant started to harass the deceased in order to coerce her to meet the unlawful demand of money to purchase a house at Solapur. The applicant was allegedly given in to a vice of consuming liquor. The applicant frequently raked up quarrels with the deceased on one or the other pretext and assaulted her. On 5th April, 2022, the deceased was to board a train to Mumbai. However, at about 11 pm, the first informant was apprised that the deceased died by suicide. The first informant lodged a report with the allegations that the applicant, Shrinivas Uttarkar and Shrikant Uttarkar, the brothers-in-law of the deceased, and Rupa Uttarkar, the co-sister of the deceased, subjected the deceased to harassment in order to coerce her to meet the unlawful demand and abetted the commission of suicide.

5) The learned Counsel for the applicant submitted that the marriage of the applicant with the deceased was solemnized on 23rd February, 2015. There is no material to indicate that the applicant

had abetted the commission of suicide. Therefore, the applicant be enlarged on bail.

6) As against this, the learned APP invited the attention of the Court to the statements of the witnesses especially the mother, sister and brother of the deceased and Renuka Koli, a neighbour of the deceased, who have stated about the ill-treatment meted out to the deceased.

7) The statements of the mother, sister and brother of the deceased, prima facie, draw support from the narration of the acts of alleged ill-treatment at the hands of the applicant and the co-accused by the deceased. Renuka Koli, the neighbour of the deceased, referred to the incident which had occurred a year prior to the occurrence wherein the applicant had allegedly assaulted the deceased under the influence of liquor. However, she stated that she was unaware of the events which transpired on the day of the occurrence.

8) Prima facie, it appears that the marital life of the applicant and deceased was afflicted with discord. The gravamen of indictment against the applicant is of abetment to commit suicide. Evidently, the marriage was solemnised prior to seven years. No incident or act proximate to the incident has been alleged. The question as to whether there was a direct or proximate act or omission on the part of the applicant which could be construed as instigation or intentional aid to commit suicide, would be a

matter for adjudication at the trial. The offences for which the applicant has been arraigned do not entail punishment of death or imprisonment for life.

9) Investigation is complete for all intent and purpose. Charge-sheet has been lodged. The applicant is gainfully employed and has roots in society. In the circumstances of the case, further detention of the applicant does not seem warranted.

10) I am, therefore, impelled to exercise discretion in favour of the applicant.

11) Hence, the following order.

: ORDER :

(i) The application stands allowed.

(ii) The applicant be released on bail in CR No. 192 of 2022 registered with Sadar Bazar Police Station, Solapur, for the offences punishable under Sections 498-A, 306, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the learned trial Court.

(iii) The applicant shall mark his presence at Sadar Bazar Police Station, Solapur, on the first Monday of every month between 10.00 am to 12.00 noon for a period of two years or till conclusion of trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(v) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial court shall not be influenced by any of the observations made hereinabove.

[N. J. JAMADAR, J.]