

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1514 OF 2024

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Pratik Shriram Shinde ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Ashish Shukla, i/b Prachish Shukla, for the Applicant.
Ms. Supriya Kak, APP for the State/Respondent No.1.

CORAM: N. J. JAMADAR, J.
DATED: 10th APRIL, 2024

ORDER:-

1. Heard the learned Counsel for the parties.
2. This is an application for bail in CR No.1213 of 2023 registered with Mumbra Police Station for an offence punishable under Section 306 of the Indian Penal Code, 1860 ("the Penal Code").
3. Sampada (the deceased) was the sister of the first informant. She was in a relationship with the applicant since the year 2021. As the applicant was given in to the vice of consuming liquor, the deceased had decided not to marry the applicant. The deceased had blocked the phone number of the applicant. Enraged the applicant used to harass the deceased. The applicant had allegedly once slapped the

deceased and even visited the hospital where the deceased was working and raked up a quarrel.

4. On 14th November, 2023 at about 9.30 pm. the informant had called the deceased for dinner. She declined to join them as she was tired. At about 11.57 pm. the applicant called the first informant from the phone of the deceased and informed the first informant that the deceased was lying in a motionless state. The first informant rushed to the house of the deceased and found the deceased lying motionless. She was shifted to hospital. She was declared dead. There were ligature marks on the neck of the deceased. Hence, the report.

5. The learned Counsel for the applicant submitted that the applicant and the deceased were in a relationship since four years prior to the occurrence. There were quarrels between the applicant and the deceased as the applicant was addicted to liquor. However, the allegations in the FIR and the material on record do not indicate that the applicant abetted the commission of suicide.

6. As against this, the learned APP submitted that the applicant had subjected the deceased to continuous harassment. Therefore, unable to bear the harassment the

deceased committed suicide. An endeavour was made on behalf of the prosecution to urge that, whether the deceased met a suicidal or homicidal death would be a matter for adjudication at the trial.

7. The PM Report indicates that there was ligature mark present around the neck running obliquely upward and backward towards the left lateral aspect of the neck, above the thyroid cartilage. The Autopsy Surgeon opined that the cause of death was asphyxia due to hanging. At this stage, the prosecution proceeds on the premise that this was a case of suicidal death and the applicant had abetted the commission of suicide.

8. If the allegations in the FIR are appraised, it becomes *prima facie* evident that the applicant and deceased were in a relationship for a considerable period. However, on account of the fact that the applicant was addicted to liquor, there were quarrels between the parties. The first informant alleged that the deceased had declined to marry the applicant and, thereupon, the applicant subjected the deceased to harassment. The case is not one of the applicant having reneged from the promise to marry and thereby instigated the

deceased to commit suicide. The prosecution case presents a converse scenario.

9. In these circumstances, whether the harassment was such that the deceased was left with no option but to commit suicide, would be a matter for adjudication at the trial. *Prima facie*, the material on record does not indicate alleged harassment at the hands of the applicant was such as to constitute instigation or intentional aid to commit suicide. Thus, having regard to the fact that the investigation is complete and charge-sheet has been lodged, I am inclined to exercise discretion in favour of the applicant.

10. Hence, the following order:

ORDER

- (i) The application stands allowed.
- (ii) The applicant be released on bail in CR No.1213 of 2023 registered with Mumbra Police Station, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The applicant shall mark his presence at the concerned police station on the first Monday of every alternate month between 10.00 am. to 1.00 pm. for a period of

two years or till the conclusion of the trial, whichever is earlier.

- (iv) The applicant shall not enter the limits of Mumbra Police Station for the period of two years or till the conclusion of the trial, whichever is earlier.
- (v) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.
- (vi) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- (vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the 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.

Application disposed.

[N. J. JAMADAR, J.]