

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

BAIL APPLICATION NO. 3238 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2024.01.10
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Akash Ashirwad Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Santosh Deshpande, for the Applicant.

Mr. S. R. Aagarkar, APP for the State/Respondent.

Psi Vilas Surve, Deonar Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 2nd JANUARY, 2024

ORDER:-

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

2. This is an application for bail in connection with CR No.639 of 2022, registered with Deonar Police Station, Mumbai, for an offence punishable under Section 306 of Indian Penal Code, 1860 ("the Penal Code").

3. Anjali (deceased), the daughter of the first informant, was the wife of the applicant. The first informant and her family members were opposed to the relationship between the applicant and the deceased. Thus, they had eloped and solemnized marriage on 3rd November, 2017.

4. The first informant alleged that after marriage the applicant subjected the deceased to physical and mental cruelty. There were frequent quarrels between the applicant and deceased. The latter had left her matrimonial home on a couple of occasions and was persuaded to rejoin the matrimony. However, since the marital relations between the applicant and deceased were quite strained, they had thought of dissolving the marital bond. On 28th July, 2022 the deceased allegedly died by suicide.

5. The learned Counsel for the applicant submitted that the allegations in the FIR, even if taken at par, do not make out a case of abetment of suicide. The applicant has been falsely roped in on the basis of general and omnibus allegations.

6. The learned APP resisted the prayer for bail.

7. I have perused the allegations in the FIR and the material on record. Evidently, the first informant and her family members were opposed to the relations between the applicant and deceased. It appears that after marriage, there was marital discord between the applicant and deceased. It is true that these are allegations of subjecting the deceased to cruelty. However it is imperative to note that the first informant claimed

that she was unaware of the developments which occurred immediately preceding the death of the deceased. *Prima facie* there is no direct or proximate act or conduct attributable to the applicant which may be construed as an instigation or intentional aid to commit suicide.

8. In any event, the applicant has been in custody since 5th June, 2023. Investigation is complete for all intent and purpose. Charge-sheet has been lodged. Further detention of the applicant seems to be wholly unwarranted. The applicant appears to have roots in society. Possibility of fleeing away from justice also seems remote. I am, therefore, impelled to exercise the discretion in favour of the applicant.

9. Hence the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The applicant be released on bail in CR No.639 of 2022, registered with Deonar Police Station, Mumbai, on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not contact the first informant or any of the witnesses or give threat or inducement to the first

informant or any of the witnesses or any person acquainted with the facts of the case.

- (iv) The applicant shall furnish the details of his permanent address and cell phone number to the Investigating Officer and keep him informed about the change, if any.
- (v) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vi) 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 stands disposed.

[N. J. JAMADAR, J.]