

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

**INTERIM APPLICATION NO. 3371 OF 2024
IN
CRIMINAL APPEAL NO. 911 OF 2024**

1. Sujata Namdev Patil,
2. Santosh Namdev Patil ..Applicants

Versus

The State of Maharashtra ..Respondent

Mr. Sandesh Patil i/b. Chintan Y. Shah for Applicants.
Mr. Swapnil V. Walve, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 27 AUGUST 2024**

PC :

1. The Applicants were the original Accused Nos.1 and 3 in Sessions Case No.366 of 2020 before the Additional Sessions Judge, Pune. Both of them were convicted for commission of offences punishable under sections 498A, 304B and 306 of the I.P.C. and were sentenced to suffer R.I. for 10 years and to pay a fine of Rs.25000/- each and in default to suffer S.I. for three months.

2. The prosecution case is that, the Applicant No.2 Santosh was husband of the deceased in this case, Megha. The Applicant No.1 Sujata is Santosh's mother i.e. the mother in law of the deceased. Santosh got married with Megha on 12.06.2015. Santosh was Homeopathy doctor and Megha was working in I.T. industry. The allegations are that the applicants' family was clearly told that, Megha was more interested in her job and she would not know the household work. In spite of that, the applicant Santosh and his family were ready for the marriage. The marriage took place, as mentioned earlier, on 12.06.2015. Santosh and Megha had a boy on 05.01.2017. There are allegations that the family members of the applicants started harassing her; because according to them, she was not doing household work properly. There are allegations that the applicants demanded Rs.25 lakhs for repairing their old flat and for constructing a house at their native place. The deceased Megha got fed up and on 08.02.2020 jumped from the 5th floor of the building of her matrimonial house and committed suicide. Her father lodged the F.I.R. on 09.02.2020. The applicants were arrested and subsequently released on bail. They

faced the trial before the Additional Sessions Judge, Pune.

3. During the trial, the prosecution examined five witnesses including the father and the brother of the deceased Megha. At the conclusion of the trial, the applicants were convicted and sentenced, as mentioned earlier.

4. Learned counsel for the applicants submitted that the evidence of the father itself shows that the applicants had never demanded any dowry at the time of marriage. Even thereafter, there were indications that the deceased was suffering from hyperthyroidism bronchial asthma and she got fed up, and because of her illness she could have committed suicide. He further submitted that the evidence shows that Megha had given name of her father as a nominee in her bank account. The applicants had not interfered with her financial transactions. This shows that the applicants were not greedy and had not harassed Megha for any monetary gain or demand. He submitted that, both the applicants were on bail during trial and there are no allegations that they had misused that liberty.

5. Learned APP opposed these submissions. He relied on the evidence of father and brother of the deceased and PW-3 Bhalchandra Devmore who was known to the informant's family. He submitted that, their evidence show that the prosecution has proved its case beyond reasonable doubt.

6. I have considered these submissions. The father of the victim Megha was examined as PW-1. In his cross-examination, he has admitted that, at the time of marriage, Megha was earning around Rs.75000/-; whereas, the applicant Santosh was earning only around Rs.25000/-. PW-1 and his family were aware that, after marriage, the responsibility for looking after the expenses was that of Megha. He also admitted that the accused had not demanded any dowry at the time of marriage. Even after marriage, the applicants had not demanded any money from PW-1. He further admitted that, he himself had not given any money to the accused. Megha had purchased a flat with her own earnings. At that time, PW-1 and PW-2 had not helped her financially. Megha had given PW-1's name as a nominee in her bank account. After her death, the amount of more than Rs.9 lakhs was transferred in

PW-1's account.

7. PW-2 was Megha's brother. His evidence is similar to that of PW-1.

8. PW-3 Bhalchandra Devmore was PW-1's friend. But his evidence is general in nature. He was told by Megha that the accused' family was harassing her and were demanding money. He has not given any further details.

9. PW-4 Shyam Wahile was an independent witness. He had heard the sound when Megha had jumped from the 5th floor of the building. He has deposed that the applicant Santosh had come there running as he was extremely concerned for the deceased Megha. The other applicant Sujata was also crying. This shows that both the applicants were concerned for Megha. The impugned Judgment shows that the defence had produced some documents regarding Megha's medical treatment and had tried to establish that because of that medical condition, Megha might have committed suicide.

10. All these points raised by the learned counsel for the

applicants deserve serious consideration. These points can be decided at the stage of final hearing. But based on these points, the applicants have made out a case for grant of bail during pendency of their appeal. They were on bail during trial and they had not misused that liberty. Therefore, I am inclined to grant bail to the applicants.

11. Hence, the following order:

O R D E R

- i) During the pendency and final disposal of Criminal Appeal No.911 of 2024, the Applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30000/- each with one or two sureties each in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)