



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 873 OF 2018

Sunita Jyotiba Pawar

...Applicant

Vs.

The State of Maharashtra

...Respondent

...
Mr. Vikram R. Dhorde, Advocate for the Applicant.
Mr. P. K. Lakhotia, APP for the Respondent/State.
...

CORAM : V.K. JADHAV, J.
DATE : 29.08.2018

P.C. :

1. The applicant is seeking pre-arrest bail in connection with Crime No.460/2018 registered with Shrirampur City Police Station, District Ahmednagar for the offence punishable under Section 306 of IPC. Her application with similar prayer bearing Criminal Miscellaneous Application No.136 of 2018 came to be rejected by the learned Additional Sessions Judge, Shrirampur.

2. The learned counsel for the applicant submits that though there are allegations in the complaint about the ill-treatment being extended to the deceased by the applicant, who happened to be his wife, the complaint was lodged belatedly. Deceased Jyotiba Dhondiba Pawar though died on

(2)

30.6.2018, the F.I.R. came to be lodged on 10.07.2018 without any explanation as to the inordinate delay caused in filing the complaint. The learned counsel submits that though, it appears from the allegations made in the complaint that there were some differences between the husband and wife, however, it is difficult to accept that the applicant was intending that deceased should commit suicide on account of the said differences. There is no abatement as such for commission of the alleged suicide by her deceased husband. The applicant is women serving as a teacher. She may be released on pre-arrest bail.

3. The learned A.P.P. has strongly resisted the application on the ground that, there are serious allegations in the complaint about the ill-treatment being caused to the deceased by the applicant. There are consistent statements as about the ill-treatment being extended to the deceased. Learned APP submits that, a N.C. came to be registered against the applicant on the basis of the complaint given by the deceased prior to the incident. The investigation is in progress. The applicant may not be released on pre-arrest bail.

(3)

4. On perusal of the contents of F.I.R. and the investigation papers though I find that the allegations have been made about the ill-treatment being extended to the deceased by the applicant, however, *prima facie*, those allegations speak about the differences between the couple on some domestic affairs and also in respect of loan obtained by them. Even though, deceased Jyotiba died on 30.06.2018, the complaint came to be lodged belatedly on 10.07.2018 without any explanation. It further appears that deceased Jyotiba has not left any suicide note. Applicant is a women serving as a teacher. Deceased Jyotiba was also serving as a teacher. Thus, considering the entire aspects, I am inclined to grant pre-arrest bail to the applicant with certain conditions. Hence, the following order:

ORDER

- a. Application is hereby allowed.
- b. In the event of arrest of applicant i.e. Sunita Jyotiba Pawar in connection with Crime No.460/2018 registered with Shrirampur City Police Station, District Ahmednagar for the offence punishable under Section 306 of IPC, she be released on her furnishing P.B. of Rs.10,000/- with one surety of the like amount on the following conditions;

(4)

- i) The applicant shall not tamper the prosecution evidence in any manner.
 - ii) The applicant shall make herself available as and when required by the concerned Investigating Officer for further investigation, if any.
5. Application is accordingly disposed of.

(V.K. JADHAV, J.)

Sameer//