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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1645 OF 2014**

Nitin S. Agarwal	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Mayur Salunke, *for the Applicant.*
Mrs. A.A. Mane, APP, *for the State.*

CORAM: G.S. PATEL
VACATION JUDGE
DATED: 31st December 2014

PC:-

1. The Applicant apprehends arrest in connection with CR No. 216 of 2014 registered with the Dehu Road Police Station, Pune for offences punishable under Sections 498A and 306 read with Section 34 of the Indian Penal Code. The Applicant was married to a lady name Sonal. The Applicant has a profound hearing disability and an associated speech disability. Sonal, too, had an identical disability. They had one child Kushal, today about 10 years old.

2. The Petition describes how, perhaps because of these disabilities, Sonal had been away from her matrimonial home with

her parents for a considerable amount of time. Indeed, the Applicant had to file a Petition for restitution of conjugal rights, after which Sonal started residing at her matrimonial home. For three or four years thereafter, the Applicant and Sonal appear to have lived in peace and harmony with their young son.

3. The tragedy in question occurred on 7th October 2014. It appears that the next morning Sonal committed suicide. *Prima facie*, there appears to be no indication of any marital distress or discord prior to this date.

4. Mrs. Mane, learned AGP vehemently opposes the application, saying that in a case such as this, no relief should be granted to the Applicant.

5. In my view, considering all the circumstances, this is an appropriate case for grant of relief.

6. Hence, in the event of the Applicant being apprehended in connection with C.R. No. 216 of 2014, registered with the Dehu Road Police Station, Pune, he shall be enlarged on bail on a P.R. Bond of Rs. 10,000/- with one solvent local surety in the like amount, subject to the following:

- (a) The Applicant will report the Dehu Road Police Station, Pune as and when required.
- (b) The Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witness

and shall not in any manner tamper with the prosecution evidence and shall not in any way impede the investigation.

- (c) Any observation/s made in this order shall not be construed as any finding or any expression of opinion on the merits of the case till the time of trial;
- (d) Any breach of these bail conditions shall result in cancellation of bail.

7. Application disposed of in these terms. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)