

**SUPREME COURT OF INDIA**

Prassanna Venkardari Agrahar

Vs.

State of Maharashtra

Crl.A.No.505 of 2017

(J.Chelameswar and S.Abdul Nazeer,JJ.,)

09.03.2017

**ORDER**

**S.Abdul Nazeer,J.,**

SLP.(Crl)No.4831 of 2016

1 Leave granted.

2 This appeal is directed against the order dated 15th June, 2016 passed by the High Court of Judicature at Bombay in Anticipatory Bail Application No. 841 of 2016, whereby the High Court rejected the application filed by the appellant for grant of anticipatory bail. The appellant is a doctor by profession and specialized in neuro surgery. He was practicing at Ahmed Nagar but shifted to Solapur in the year 2012 and is practicing as Neuro Surgeon in Solapur. He married to Ms. Rashmi, who was also a doctor. It is the case of the appellant that his wife was suffering from chronic diabetes and was under treatment. She died on 9th July, 2015 at about 1.00 a.m. The appellant informed this fact to her parents who had come to Solapur on the next day and after due consideration and affirmation that the death of Rashmi was natural due to heart failure, they all decided to cremate her. After a passage of about one month, an anonymous letter addressed to the Commissioner of Police, Solapur stating that the appellant had extra-marital affairs with one Megh Roy Chodhuri and in order to obtain benefit of insurance policy which was in the name of the deceased Rashmi, the appellant committed her murder. It is further contended that on the basis of the said letter an inquiry had been initiated and the appellant had been summoned for inquiry. The police has been repeatedly visiting his house for interrogation and he is having apprehension that the police will register offence against him and he would be arrested. Therefore, he filed Criminal Bail Application 472/16 before the Principal District and Sessions Judge, Solapur. The District & Sessions Judge by order dated 3.5.2016 rejected the application.

3. The appellant moved the High Court by filing an application for grant of anticipatory bail in Criminal Application No.841 of 2016. The High Court dismissed the application by order dated 15.6.2016.

4. Learned counsel for the appellant submits that the appellant is a doctor by profession and is a renowned neuro surgeon attached to Gangamai Hospital, Solapur and his wife was also a doctor. He was married to Rashmi in the year 2010 and they have a son by name Neerav, who was born in April, 2012 and who is mentally challenged. Ms. Rashmi was diabetic and she was being treated by consulting Dr. Mule. She suffered a heart attack in the intervening night of 8-9.7.2015 and hence was examined by one doctor Prabhakaran. Since she was found dead, Dr. Prabhakaran issued a medical certificate to that effect. The parents of the deceased wife of the appellant were immediately informed and they came to Solapur on 9.7.2015, after having satisfied that her death was natural, took a collective decision along with the appellant not to perform post-mortem. In-laws of the appellant had sworn an affidavit on 14.7.2015 and 6.4.2016 about the natural death of the wife of the appellant. This affidavit was required for cancellation of their tickets from Bangalore to Frankfurt and for refund. After more than a month in August, 2015, on the basis of an anonymous letter sent to the Commissioner of Police, Solapur raising suspicion about the death of the wife of the appellant and that the appellant had extra-marital affairs, therefore he committed murder of his wife, appellant was interrogated by the police. He has cooperated with the police during investigation. The appellant has not committed any offence as alleged. Therefore, the High Court is not justified in rejecting the application of the appellant for grant of anticipatory bail.

5. On the other hand, learned counsel appearing for the State submits that the wife of the appellant had died in suspicious circumstances. The appellant took disadvantage of his position as doctor and himself issued medical certificate about death of his wife and showed that his wife died natural death. It is further submitted that the police received an anonymous letter on 28.8.2015 stating that the appellant gave an injection to his wife and killed her. Without conducting post mortem, the body of the deceased was cremated in an electric crematorium. Thereafter, appellant obtained death certificate and took the insurance claim of the deceased. Considering the facts and circumstances of the case, the High Court has rightly rejected the application.

6. It is not disputed that more than a month after the death of Dr. Rashmi, wife of the deceased the respondent has registered a case on the basis of an anonymous letter. Immediately after the death of Dr. Rashmi, her parents were informed by the appellant about her death and they had come to Solapur. The parents of the deceased have not lodged any complaint against the accused. Father-in-law of the appellant has sworn to an affidavit that she was living a happy married life with the appellant and that she had died a natural death. Therefore, he has no objection for her funeral without post mortem. It is also necessary to state here that the appellant has no criminal antecedents.

7. In the circumstances, the High Court was not justified in rejecting the application of the appellant. We are of the view that it is just and proper to grant an order of anticipatory bail to the appellant. Therefore, the order of the High Court in Anticipatory Bail Application No. 841 of 2016 is set aside.

8. In view of the above, we direct that in the event of arrest, the appellant shall be released on bail on execution of personal bond for Rupees one lakh with sureties of the like amount to the satisfaction of the investigating officer. The appellant shall not tamper the witnesses of the prosecution and shall appear before the investigating officer/court as and when required.

9. It is needless to clarify that the observations made herein are only for the purpose of disposing of this appeal and will not influence the investigation or trial.

10. The appeal is allowed in the above terms.