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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.20 OF 2015

Sandeep Shankar Sawant	...	Applicant
V/s.		
State of Maharashtra	...	Respondent

Mr.Ashok Mundargi, Senior Advocate, i/b Ms.Shradha Sawant, for the Applicant.

Mr.S.H.Yadav, APP for the Respondent – State.

API – M.V.Shinde, Mulund Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATED : 29th APRIL, 2015.

P.C.

1. Heard the learned senior counsel for the Applicant and the learned APP for the Respondent-State.

2. Learned Counsel for the Applicant at the outset, states that this is the second bail application preferred by the Applicant and that the first bail application i.e. Criminal Bail Application No.751 of 2014, was withdrawn by the present Applicant. It was observed in the order dated 23rd June, 2014, passed by this Court, that the Applicant is at liberty to renew his prayer seeking bail after 6 months, in the eventuality that the

charge is not framed till then. A direction was also given to the learned Sessions Judge seized with the matter to conclude the hearing of the trial within 6 months from the date of framing of charge. Accordingly, the application was disposed of as withdrawn.

3. Learned Counsel for the Applicant states that till date charge has not been framed in the present case and that more than 6 months have passed and hence he has filed the second bail application, pursuant to the liberty granted by this Court. The same is not disputed by the learned APP.

4. By this second application, the Applicant seeks his enlargement on bail in connection with C.R.No.435 of 2012 registered with the Mulund Police Station, Mumbai, for the alleged offences punishable under Sections 498(A), 304(B), 306, 34 of the Indian Penal Code

5. The complainant is the father of the deceased and the present applicant is the husband of the deceased. The applicant and the deceased were married 6 years prior to the incident. After marriage, it is alleged that the deceased was physically and mentally harassed by the applicant and the other co-accused i.e. mother-in-law, brother-in-law and

sister-in-law. It is alleged that the accused were taunting and assaulting the deceased, for not bringing furniture, T.V., etc. during the marriage. It is also alleged that the applicant demanded a motorcycle from the deceased parents ; that the mother-in-law would taunt the deceased ; and that the brother-in-law used to hurl abusive words. It is alleged that the deceased had tried to commit suicide earlier, in view of the harassment and ill treatment at the hands of the accused, by consuming poison. Pursuant to the same, an N.C. was registered with the Mulund Police Station. It is alleged that thereafter the dispute was resolved and the deceased went back to stay with the applicant and the other co-accused. On 3rd December, 2012, the deceased committed suicide by hanging herself.

6. Learned Senior Counsel contended that the Applicant has been in custody for more than two years i.e. since 4th December, 2012 and therefore seeks his enlargement on bail. It also appears that there is a suicide note allegedly written by the deceased stating therein, that nobody from the in-laws side should be harassed; that the daughter should be taken care of and has also asked for an apology. The alleged suicide note was sent to the handwriting expert. The report is received. According to

the handwriting expert, the writing on the said document shows similarity to the handwriting of the deceased.

7. Perused the charge-sheet, including the alleged suicide note and report of the handwriting expert. Considering the fact that the co-accused have been released on bail ; that charge has not been framed in the present case; that the applicant has been in custody for more than two years and also taking into consideration the Handwriting Expert's report, the Applicant is enlarged on bail on the following terms and conditions ;

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the Mulund Police Station, Mumbai, on the 1st Saturday of every month, between 10.00 a.m. to 11.00 a.m., till the conclusion of the trial ;
- iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;

- iv) The Applicant shall co-operate in the conduct of the trial.
 - v) It is made clear that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.
8. The Application is allowed and disposed of in above terms.
9. Needless to observe, that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.
10. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)