

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 200 OF 2015**

Rakesh @ Nitin Gopal Kurmi
(Through Post)

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Swapnil Ovalekar, as *amicus curiae*

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 12TH MARCH, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. This is an application, through jail, preferred by the applicant seeking his enlargement on bail in connection with C.R. No. 203 of 2013 registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 498-A, 304-B, 306 r/w 34 of the Indian Penal Code.

3. The incident in question has taken place on 12th August, 2013, when the deceased is alleged to have committed suicide by hanging herself in the matrimonial home. According to the complainant, who is the brother of the deceased, the applicant was married to the deceased on 12th March, 2009 and thereafter, on some trivial reasons, the applicant would abuse and assault the deceased. It is alleged that the deceased would disclose the same to the complainant. It is alleged that there was also a demand of Rs. 4,00,000/-, out of which, a sum of Rs. 1,00,000/- was paid to the sister-in-law of the deceased. The said complaint has been lodged by the brother on 12th August, 2013. It is alleged in the complaint that the applicant was habituated to drinking and that after consuming liquor, he would harass his sister i.e. the deceased.

4. The learned Counsel for the applicant contended that from a perusal of the entire charge-sheet, no offence under Section 306 or 304-B is disclosed. He submitted that a perusal of the suicide note allegedly written by the deceased would, at the highest, show that the deceased committed suicide on account of the applicant, but the suicide note does not disclose the manner in which the applicant had harassed the deceased. According

to the learned Counsel, no reasons are spelt out in the suicide note allegedly written by the deceased.

5. The learned A.P.P opposed the bail application. She contended that a perusal of the suicide note would show that the deceased did not want to live any longer and that she was tired of her life and that she did not want to live and wanted to die; that she could not tolerate what was happening; and that whatever mistakes were made were alleged to be because of her; and that she was committing suicide on account of her husband's conduct.

6. Perused the papers of investigation, the statements and the suicide note. Considering the material on record and the fact that the applicant has been under custody since 12th August, 2013 and that the investigation is complete and charge-sheet is filed, the applicant deserves to be enlarged on bail on the following terms and conditions:

ORDER

- (i) The applicant Rakesh @ Nitin Gopal Kurmi be released on bail in connection with C.R. No. 203 of 2013 registered with the Charkop

Police Station, on executing PR Bond in the sum of Rs. 15,000/- with one or two local solvent sureties in the like amount;

(ii) The applicant shall attend Charkop Police Station on the 1st and 3rd Saturday of every month between 10:00 a.m. to 12:00 noon till the conclusion of the trial;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Charkop Police Station;

(iv) The applicant to cooperate with the conduct of the trial;

(v) The applicant shall not leave Mumbai and Thane Districts, without the leave of the trial Court;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. Copy of this order be forwarded forthwith to the applicant, who is lodged in Taloja Central Prison, Navi Mumbai, through Jailor of the said prison.

9. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.