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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.344 OF 2015

Vinay Kumar Shravan Kumar Singh ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr.Anil D. Joshi, for the Applicant.

Ms.PP.Shinde, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATED : 4th MARCH, 2015.

PC.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-131 of 2014 registered with the Vishnu Nagar Police Station, for the alleged offences punishable under Sections 498-A, 304-B, 306 and 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant was married to the deceased sometime in 2009 and that they had one issue

from the said marriage. He submitted that the incident in question took place on 4th June, 2014 and on the very same day i.e. 4th June, 2014, the statement of the father of the deceased was recorded. He submitted that in the said ADR, it was mentioned by the complainant – Shravan, father of the deceased, that his daughter has committed suicide on account of some illness or for some other unknown reason. Learned Counsel submitted that subsequently on 7th June, 2014, an FIR was lodged i.e. after 3 days, alleging the aforesaid offences. It is alleged in the said complaint, that the applicant and the other co-accused were assaulting, abusing and taunting the deceased and that the present applicant had physically assaulted her on several occasions. He submitted that there is a delay of 3 days in lodging of the said FIR. He submitted that the deceased was suffering from an illness and relied on certain medical documents in support of the same. According to him, infact the prosecution had seized the documents, however had not included them in the charge-sheet. He submitted that all the other co-accused i.e. the in-laws and the sister-in-law have been released on bail.

4. Learned APP submits that the statements of the father, mother and sister of the deceased discloses, that there was a demand of

Rs.4,00,000/- from the deceased and that the deceased was being assaulted by the applicant no.1. She relied on the statements of the neighbours, to show that the applicant was assaulting the deceased. She also relied on the statement of the police officer to show that an N.C was lodged by the deceased on a previous occasion where the deceased had made allegations that she had been assaulted by the applicants.

5. Perused the charge-sheet, medical documents of deceased and the ADR report. Admittedly, the deceased has committed suicide. In the ADR, there are no allegations made by the complainant against any person. There is a delay of 3 days in lodging the FIR. Whether or not the delay is fatal or not is a matter which will be decided by the trial Court. Considering the peculiar facts of the case and the fact that investigation is complete and charge-sheet has been filed and the possibility of trial not starting soon and the material on record, the Applicant is enlarged on bail on the following terms and conditions ;

ORDER

- i) The Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

- ii) The Applicant shall attend the Vishnu Nagar Police Station, on the first Saturday of every month, between 10.00 a.m. to 12.00 noon, till the conclusion of the trial ;
- iii) The Applicant shall not tamper or attempt to influence any person 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.

- 6. The Application is allowed and disposed of in above terms.
- 7. 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.
- 8. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)