

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.502 OF 2015

1. Mavji Dudhabhai Waghela .Applicants
2. Shardaben Mavjibhai Waghela
3. Daksha Mavjibhai Waghela
4. Chandrika Mavjibhai Waghela
5. Ashok M. Gedia

V/s.

The State of Maharashtra .Respondent

Mr.Sunil Kumar a/w.Mr.Amarendra Kumar i/b.
M/s.Kumar & Associates, Advocate, for the
Applicants

Mrs.P.P.Shinde, APP, for the Respondent -
State

CORAM : REVATI MOHITE DERE, J.

DATE : 22ND APRIL, 2015

P.C.

. Heard the learned counsel for the
applicants and the learned APP for the
respondent – State.

2. By this application, the applicants
seek their enlargement on bail in connection
with C.R.No.389 of 2014 registered with the

Dahisar Police Station, Mumbai, for the alleged offences punishable under Sections 306, 498 r/w. 34 of the Indian Penal Code.

3. The applicant Nos.1 & 2 are the in-laws, the applicant Nos.3 & 4 are sister-in-laws and the applicant No.5 is the husband of the complainant. The applicant No.5 got married to the deceased on 12.05.2014 in Gujarat. The complaint is lodged by the brother of the deceased. He has alleged that initially, for a period of two months, the applicants treated the deceased well, however, thereafter, the deceased was ill-treated. The complainant has alleged that the in-laws of the deceased i.e. applicant Nos.1 & 2 had promised to give her a cupboard, however, the same was not given to her, resulting in a quarrel. It is further alleged that sometime in August 2014, the applicants started demanding jewellery which was given to the deceased by her father for taking a loan. It

is alleged that the parents of the deceased intervened and tried to convince the applicants not to harass the deceased. On 10.09.2014, the deceased had gone to Katagram Police Station to complain against the applicants. However, the officers of the concerned police station called the family members i.e. the applicants and the matter was settled, pursuant to which the deceased went back to her matrimonial home. It is alleged that the applicant No.5 i.e. husband of the deceased had gone to borrow money from a builder, however, as he did not return back, the applicant Nos.1 to 4 are alleged to have blamed the deceased for the applicant No.5 leaving the house, and hence, on 22.09.2014 the deceased committed suicide by hanging herself. It is alleged by the complainant that the deceased committed suicide on account of the ill-treatment and harassment meted out to her by the applicants.

4. The learned counsel for the applicants submitted that considering the fact that charge-sheet has been filed and considering the nature of the allegations, the applicants be enlarged on bail.

5. The learned APP submitted that there is suicide note written by the deceased in Gujarati wherein she has given reason for her committing suicide. She further submitted that the applicant No.5 has directly approached this Court, without filing an application before the Sessions Court for bail.

6. Perused the charge-sheet, in particular, the suicide note of the deceased(which is translated in English). In the suicide note, there are no allegations with regard to demand of jewelery or demand of dowry. The allegations are that as the applicant No.5 had left home, the applicant Nos.3 & 4 were taunting the deceased, as a

result of which she committed suicide. In fact, the allegations in the suicide note are essentially against applicant Nos.1 to 4 and not against the applicant No.5. Considering the material on record and the fact that the charge-sheet has been filed, the applicants are entitled to be enlarged on bail on the following conditions:

- (i) The applicants be released on bail on their furnishing P.R.Bond in the sum of Rs.15,000/- each with one or two solvent sureties in the like amount;
- (ii) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case;
- (iii) The applicants shall inform their 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 Dahisar Police Station, Mumbai;

(iv) The applicants shall co-operate in the conduct of the trial;

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

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

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)