

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 530 OF 2015**

Rohidas Kisan Mashere

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Satish Ingale for the Applicant

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

**CORAM : REVATI MOHITE DERE, J.**  
**TUESDAY, 1<sup>st</sup> SEPTEMBER, 2015**

**P.C. :**

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 241 of 2014 registered with the Shikhrapur Police Station, Thane, for the alleged offences punishable under Sections 302, 498A of the Indian Penal Code, 1870.

3. The complainant is Narayan Damodar Wadekar, the father of the deceased. According to him, the applicant and his daughter

Bhagyashree were married for 14 years and and that the couple had two sons from the said wedlock. He has stated that prior to the date of incident, the deceased had sent the two children to her in-laws house and was staying separately from the applicant. According to the complainant, the applicant would intermittently visit the house of the deceased and ask her for money and if the deceased failed to give money, he would assault her. He has stated that he was informed by one Trimbak Parhad that his daughter was in the house but was not responding. He has stated that before he could reach, the police were informed, who came there and after preparing the panchanama, sent the dead body to Talegaon, Dhamdhere. According to the complainant, when he saw the dead body, he found nail scratches around the neck. Initially ADR came to be registered on 10<sup>th</sup> August, 2015 and subsequently, after the statement of the complainant was recorded on 11<sup>th</sup> August, 2014, the aforesaid C.R came to be lodged as against the applicant alleging the aforesaid offences.

4. Learned Counsel for the applicant states that the prosecution case rests entirely on circumstantial evidence. He submitted that there is no materiel to connect the applicant with the alleged offence.

5. Learned A.P.P opposed the bail application on the ground that there are statements of witnesses which reveal that the applicant used to demand money from the deceased. He submitted that the deceased died due to throttling. He does not dispute the fact that there is no recovery as against the present applicant.

6. Perused the charge-sheet. Admittedly, there are no eye-witnesses in the said case nor is there any recovery at the instance of the applicant. There is no evidence even in the form of last seen as against the applicant. Admittedly, the deceased and the applicant were staying separately for three years prior to the incident. The only material are the statements of the complainant and her relatives which show that the deceased had allegedly disclosed to them, that the applicant would visit her and demand money and that if she did not give the money, the applicant would assault her. There is no evidence even in the form of last seen as against the applicant. Considering the material on record the applicant is enlarged on bail on the following terms and conditions:

**ORDER**

- (i) The applicant be released on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the case;
- (iii) The applicant shall attend the concerned Police Station once in a month on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;
- (iv) 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 concerned Police Station;
- (v) The applicant shall cooperate with the conduct of the trial.

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.

9. All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**