

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.539 OF 2015

Santosh Sahebrao Gare ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.P.R. Shejwal for the Applicant
Ms.Veera Shinde APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 17, 2015**

P.C.:

1. The application is moved for bail, as the applicant/accused is facing charges under sections 304B, 323, 504 of the Indian Penal Code. The FIR was registered at the instance of one Arvind Eknath Patil on 11.11.2014 at C.R. No.100 of 2014 with the Vadner Bhairav police station. The complainant's daughter Manisha got married with the applicant/accused on 13.3.2012. After the marriage, she started residing with the applicant/accused No.1. There was continuous demand of gold and cash from the applicant/accused and other relatives. He used to harass her and abuse her. When Manisha used to go to her parents, she used to tell them about the torture caused to her at the hands of the applicants/accused. She lodged complaint under section 498A on 9.8.2013 and stayed with her father for 2 months. Thereafter, the

applicant/accused gave an affidavit that he had committed a mistake and he would not torture her and thereafter they again started residing. Manisha begotten one son from the applicant/accused and thereafter again, the applicant/accused and his family members harassed Manisha and demanded money and gold. Thereafter on 10.11.2014, Manisha contacted the complainant, however, the applicant/accused snatched her cell phone and then on 11.11.2014, the complainant was informed by the applicant/accused that Manisha fell in a lake and they found the dead bodies of Manisha and her son. Thereafter he was arrested on 14.11.2014. He is in the prison since then. Hence, this application for bail.

2. The learned Counsel for the applicant/accused submitted that there is no chance of pressurising the witnesses or tampering of the evidence by the applicant/accused. Moreover, all the witnesses are relatives of Manisha and therefore there is no question of pressurising them. He submitted that he is inside the jail since November, 2014 and has not committed any offence of murder. It is submitted that Manisha was very sensitive and therefore she has committed suicide. The learned Counsel also relied on postmortem report and submitted that no injuries were found on her body. It is submitted that the applicant/accused is innocent and be granted bail.

3. Learned Prosecutor opposes the application. She relied on the statements of the witnesses and the FIR.
4. Perused the FIR. On perusal of the statements and the postmortem report, it appears that Manisha ended her life as there was continuous demand of gold and money and harassment at the hands of the applicant/accused and other family members. Considering the gravity of the offence, I am not inclined to grant bail at this stage. Hence, the application is rejected. However, liberty is granted to the applicant/accused to move a fresh application for bail after one year, if the trial does not commence by then.
5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)