

Anand

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

BAIL APPLICATION NO.818 OF 2015

Pawan Bechu Singh .Applicant

V/s.

The State of Maharashtra .Respondent

Mr.V.V.Bhamrao a/w. Mr.M.N.Bijutkar &
Mr.Joydeb Saha, Advocate, for the Applicant
Mr.Y.M.Nakhwa, APP, for the Respondent - State

CORAM : REVATI MOHITE DERE, J.

DATE : 5TH MAY, 2015

P.C.

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

2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.I-441 of 2014 registered with the Mira Road Police Station, Mumbai, for the alleged offences punishable under Sections 304B, 306, 406, 498A, 323, 504, 506 r/w.34 of the Indian Penal Code.

3. The incident in question has taken place on 16.09.2014. The first informant is the brother of the deceased, Supriya, who allegedly committed suicide, by hanging herself at the matrimonial house. The present applicant is the brother-in-law of the deceased Supriya. According to the prosecution, the applicant along with the other co-accused demanded a sum of Rs.2,00,000/- from the deceased; that the deceased was assaulted by her husband, and taunted by the co-accused, thereby compelling her to commit suicide.

4. The learned counsel for the applicant submitted that the role assigned to the present applicant is almost similar to the other co-accused, who have been granted pre-arrest bail by this Court and the Sessions Court. He submits that the prosecution case rests on circumstantial evidence and that the allegations against the applicant are

baseless. He submits that the applicant has been in custody for more than six months and that investigation is complete and charge-sheet is filed.

5. The learned APP opposed the bail application. He submits that the applicant was present in the house at the time of the alleged incident.

6. Perused the charge-sheet. It appears that all the accused were present in the house and not only the applicant, at the time when Supriya committed suicide. The other co-accused i.e. mother-in-law and father-in-law against whom there are similar allegations as that of the present applicant have been enlarged on Anticipatory Bail.

7. Considering the material on record qua the applicant and the fact that investigation is complete and charge-sheet is filed, the

applicant is entitled to be enlarged on bail on the following terms & conditions:-

(i) The applicant be enlarged on bail on executing P.R.Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall attend the Mira Road Police Station, Mumbai on the 1st Sunday of every month between 10.00 a.m. to 2.00 p.m. till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence the witnesses or any person concerned with the said case;

(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 Mira Road Police Station, Mumbai;

(v) 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.

8. 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.

9. 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.)