

Anand

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

BAIL APPLICATION NO.1398 OF 2015

Anant Hashya Kevari .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.P.S.Gokhale, Advocate, for the Applicant
Mrs.S.D.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.10.2015

P.C.

. Heard 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.153 of 2014 registered with the Badlapur
Police Station(E), Thane, for the alleged
offences punishable under Sections 306, 498A
r/w.34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant was married to the deceased on 15.02.2012 and that from the said wedlock, there is a child, who was aged 1 year and 1 month at the time of the incident. He submitted that the incident in question took place on 27.11.2014 when the deceased was alone at her matrimonial home, where she consumed insecticide. He submits that the nature of allegations as against the applicant are two-fold, (i) that the applicant was verbally and physically assaulting the deceased after the birth of a female child & (ii) under the influence of alcohol, he would come home late and abuse the deceased. He submits that at the time of the incident, the applicant was in the field. He submits that the applicant has been in custody since his arrest i.e. from November, 2014.

4. Learned APP states that the complainant is the mother of the deceased and there are statements on record which show that the deceased was ill-treated and harassed by the applicant, pursuant to which she committed suicide by consuming insecticide.

5. Perused the charge-sheet. The prosecution case rests on circumstantial evidence. It appears that the deceased consumed insecticide when she was alone at her matrimonial home. Investigation is complete and charge-sheet is filed. The applicant has been in custody since his arrest in November, 2014.

6. Considering the aforesaid, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged 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 attend the Badlapur Police Station(E), Thane Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. for a period of 1 year after his release;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the 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 concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) 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.

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

8. It is made clear that the observations made herein 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.

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

(REVATI MOHITE DERE, J.)