

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.123 OF 2016

Anil Ramnath Gupta .. Applicant
Versus
The State of Maharashtra .. Respondent

Ms.Anushka A. Shreshtha, Advocate for the applicant.

Mr.Deepak Thakre, APP for the Respondent State.

CORAM : PN. DESHMUKH, J.

DATED : 8th JUNE 2016

P.C. :

1 Heard Ms.Anushka A. Shreshtha, learned counsel for the applicant. Heard Mr.Deepak Thakre, learned APP for the State.

2 This is an application for grant of bail by the applicant in Crime No.365/15 registered by Parksite Police Station for the offences punishable under section 498A IPC, 304B IPC, 306 IPC r/w section 34 of the IPC.

3 According to the learned counsel for the applicant, accused was married to victim Rita on 19th June 2014. The alleged incident has occurred on 22nd August 2015 for which FIR is lodged by Santosh – brother of Rita on 24th August 2015, and thereafter, accused came to be arrested on the subsequent day.

She has further contended that the investigation is complete, charge-sheet is already filed in the Court, and there is no sufficient evidence to establish that Rita was subjected to cruelty either by the applicant or his mother who is co-accused, and is already released on bail.

4 Learned counsel for the applicant has read over the contents of the FIR, and has contended that even on plain reading of this document, though there are certain instances quoted therein of alleged cruelty provided to the deceased, admittedly, there are no complaints made to police prior to the incident, and has thus submitted that it is only after the death of Rita, her brother has falsely implicated the applicant and his mother as he wanted Rita to come to the native place for Raksha Bandhan where he was residing and the applicant being a rickshaw driver, residing in Mumbai, could not reach her, as aforesaid.

5 The learned APP opposed the application, contending that since the incident took place within a period of about one year from the marriage, and as according to the contents of the report, there is demand by the accused to the extent of Rs.One lakh and gold bracelet which could not be satisfied, applicant is not entitled for bail.

6 Having considered the fact, as aforesaid, and also on considering the fact that report came to be lodged 2 days after the incident, and particularly since according to the statement of complainant, though the alleged cruelty is stated to have sustained by Rita from fourth month after her marriage which took place in

June 2014, and as there is no complaint made by her till the incident which has occurred on 2nd August 2015, applicant is found entitled for bail as even otherwise charge-sheet is already filed.

7 Application is thus allowed as per the order below.

O R D E R

- i) Applicant shall be released on bail on executing P.R. Bond of Rs.25,000/- with one surety in like amount.
- ii) Applicant shall mark his presence with Parksit Police Station, Vikhroli West, Mumbai once in three months commencing from 1st July 2016.
- iii) Applicant shall not tamper with the evidence.

(PN. DESHMUKH, J)