

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.251 OF 2016

Virendrakumar Jagatpal Yadav	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Vikram Chavan, for the Applicant.
Mrs. Rutuja Ambekar, APP for Respondent – State.
IO. U.D. Pachpute, Sakinaka police station present.

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

DATE: **23rd MARCH, 2016**

P.C.:

. The application is moved for bail. The applicant/accused is facing charges for the offences punishable under Sections 304(B) read with 34 of the Indian Penal Code in C.R. No. I-616 of 2015 registered with Sakinaka police station, Mumbai. The offence is registered at the instance of one Ramnayan Yadav on 29th October, 2015.

2. It is the case of the prosecution that, one Ramnayan Yadav is the father of the deceased Bindu. Bindu and the applicant/accused

got married on 4th May, 2014. After marriage, she started residing with her husband at Sakinaka. Till August, 2015 she was treated well and thereafter there was dispute between husband and wife. However, in August, 2015 Bindu informed her father that she was not allowed to talk on cell phone and her in-laws used to snatch her mobile phone when she is found talking. She also told her father that her mother in law used to criticize her father because he did not give motor cycle in the marriage. There was demand of motor cycle from her in laws and husband in the marriage. In September, 2015 when her father met his daughter Bindu, he found that her health was not good. It is the case of complainant that on 4th October, 2015 he received message that Bindu was not well and he therefore went at her home and found that Bindu has committed suicide by hanging herself. Thereafter, on complaint of the father, the applicant/accused is arrested on 25th December, 2015. Hence, this bail application.

3. The learned counsel for the applicant/accused submits that there is no evidence against the applicant/accused. He has not committed any offence. He will not jump the bail. The victim was mentally depressed and therefore she has committed suicide.

4. The learned prosecutor while opposing the bail application relied on the statements of sister and uncle of the deceased.

5. Perused the first information report and relevant papers. The deceased has committed suicide after one year of her marriage with the applicant/accused. It is informed by the learned prosecutor that 14 days prior to the incident of suicide, she has delivered a baby boy and thereafter she has committed suicide. It is true that a woman will not commit suicide when she is the mother of 14 days old boy. However, there is no other evidence to point out the degree of harassment and torture to the victim at the hands of accused. There is presumption in favour of the deceased against the applicant/accused. However, considering the statements of witnesses and nature of offence, I am inclined to grant bail to the applicant. With this, I pass the following order:

- a) The bail application is allowed.
- b) The applicant/accused be enlarged on bail upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.

- c) He shall not tamper with the evidence and shall not pressurize the witnesses.
 - d) He shall attend all the Court dates regularly.
6. Bail application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)