

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.515 OF 2016

RAHUL GANESH SERVA

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri Fakhruddin Khan, Advocate for the Applicant.

Smt.Rutuja Ambekar, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 14th JUNE 2016.

P.C. :

1 Heard.

Perused the documents filed along with the application. Admittedly, applicant along with co-accused his mother Shobha, who are involved in Crime No.443 of 2015 registered for the offences punishable under Sections 304B and 498A, read with Section 34 of the IPC were released on bail under Section 167(2)(a)(ii) of Code of Criminal Procedure (Cr.P.C.).

2 Admittedly, though applicant was directed to be released on bail under Section 167(2) of Cr.PC., since he failed to furnish surety in sum of Rs.15,000/- as ordered by the learned Magistrate, by its order dated 5th January 2016, applicant filed application for extension of time to furnish surety. However, learned Magistrate rejected said prayer by its order dated 15th January 2016.

3 It is further noted that mother of applicant Shobha approached the learned Sessions court against the rejection of time to furnish surety and is released on bail by the learned Sessions court by its order dated 19th January 2016. However, applicant's application came to be rejected on the ground that involvement of applicant in crime is established from the complaint lodged by mother of the deceased to the effect that soon prior to incident, applicant has provided cruelty and ill-treatment to her by demanding dowry. It is the case of applicant that he had a love marriage with Suganya the deceased whose marriage was not accepted by her parents and therefore she left her parents home and ran away with the applicant and both of

them got married in a temple on 30th September 2015. Above fact clearly establish strain relations between applicant, his wife deceased Suganya and her parents. The incident took place on 4th November 2015. Admittedly, applicant was not present in the room where deceased committed suicide by hanging herself. Learned APP makes a statement that the room wherein incident took place was locked from inside. In that view of the matter and having considering the fact that applicant was earlier released on bail, however could not avail the same for want of furnishing surety, as ordered by order dated 5th January 2016 by the learned Magistrate, 62nd Court, Dadar, application is allowed as per order below :

- i) The applicant shall be released on bail in Crime No.443 of 2015 registered with Worli Police station in sum of Rs.15,000/- with one surety in like amount.
- ii) The applicant shall not tamper with the witnesses and shall mark his presence with the trial court on the date of hearing.

(P. N. DESHMUKH, J.)