

Anand

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

BAIL APPLICATION No.799 OF 2016

Rohit Rajendra Patil .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Kuldeep S. Patil, Advocate, for the Applicant
Smt.Veera Shinde, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 13.04.2016

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.43 of 2016 registered with the Alibaug
Police Station, District – Raigad, for the
alleged offence punishable under Section 306 of
the Indian Penal Code.

3. The Complainant is the father of the deceased-Meenakshi Vishnu Gharat. He has stated that the deceased had passed B.Com in the year 2012 and was working as an Accountant in Alfonso Cafe Bakery, Alibaug and was drawing a salary of Rs.5,000/- per month. He has stated that on 08.03.2016, the deceased purchased a new Honda motor cycle on her birthday. According to the Complainant, on 10.03.2016, the deceased left the house with her brother Manoj at about 11.00 a.m., for Nagaon Kharghali, to show the new Honda motor cycle to her cousin Deepa Mankar. He has stated that on the very same day, the Complainant's brother-Darshan Gharat, Mangesh Patil and uncle-Damodhar Naghu came home alongwith the deceased at about 7.30 p.m.. According to the Complainant, Manoj told him that the deceased was vomiting on the road, pursuant to which she was taken to the Primary Health Centre, Revdanda for check up. On examination, it was found that the deceased had

consumed poison and that she was not in a position to speak. On 12.03.2016, the deceased again started vomiting, pursuant to which she was taken to the Civil Hospital, Alibaug. It is stated that as the Doctor at the Civil Hospital advised dialysis, the deceased was taken to the J.J.Hospital. It is stated that while taking the treatment in J.J.Hospital, the deceased expired on 14.03.2016.

4. According to the Complainant, after the death of the deceased, it was revealed that there was a love affair between Meenakshi and the Applicant for three years and that the Applicant had promised to marry her but had failed to fulfill his promise and that the deceased had learnt that the Applicant had got engaged with another girl. It was further alleged that during the period of three years, the Applicant had utilized the ATM Card of the deceased and had withdrawn an amount of

Rs.1,61,900/- from her account and Rs.28,700/- from her mother's account.

5. Learned counsel for the Applicant submits that a perusal of the FIR shows that after the demise of the deceased, the Complainant learnt of some messages exchanged between the Applicant and the deceased on WhatsApp. In one such message, the deceased had sent to the Applicant, she had stated that the Applicant had used all her money and whether he was going to meet her or not and being fed up of him, she had taken the decision to end her life. She has stated that for the same, she had purchased rat kill poison. She has also stated that she had no other option and that after her death, police would apprehend him. Learned counsel submitted that to the said message, the Applicant replied that she should not threat him with police action. He submitted that during the period from 10.03.2016 to 14.03.2016, no

statement of the deceased was recorded. According to the learned counsel, the investigation is almost complete and that the Applicant may be enlarged on bail.

6. Learned APP submitted that the statement of the friend of the deceased is yet to be recorded. She submitted that the ATM Card of the mother of the deceased has also not been recovered from the Applicant.

Perused the papers. It appears that there was some exchange of messages on WhatsApp between the deceased and the Applicant. It also appears that the Applicant and the deceased were in relationship and that things had gone sour. The Applicant has been in custody since 27.03.2016. The statement of the deceased has not been recorded nor has the deceased left any suicide note.

7. Considering the peculiar facts of the case, the Application is allowed and the Applicant is enlarged on bail on the following terms and 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 report to the investigating officer of the Alibaug Police Station, District – Raigad **on every Saturday** between **10.00 a.m. and 11.00 a.m.** till the filing of the charge-sheet;

(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.

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

9. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)