

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTIONBAIL APPLICATION NO. 1647 OF 2015
WITH
CR. APPLICATION No. 944/2015

Rajan Rajesh Khatik Vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr A.H.Ponda a/with Milan Hebhali for the Applicant.
Smt. Rutuja Ambekar, APP for the State.
Mr A.B. Tajane for the applicant in APPP No. 944/2015.

CORAM : A.S.GADKARI, J.
DATE : 1st February, 2016

P.C.

- 1) The applicant is seeking bail in CR No.219/2015, dated 17/05/2015 registered with Vakola Police Station under sections 498-A, 306, 406, 504, 324 read with section 34 of the IPC.
- 2) It is the case of the prosecution that the complainant Shri Kiran Pardeshi i.e. the father of deceased Smt. Manorama lodged the FIR on 17.5.2015 about the death of his daughter. That the daughter of the complainant was married to the applicant on 8.2.2014. It is stated that in the FIR that the applicant and the other accused persons who are in-laws of deceased Manorama used to harass and give ill-treatment to Manorama. There was a demand of Rs. 10,00,000/- from the deceased

Manorama by the accused persons. That on 16.5.2015 at about 5:00 a.m. wife of the complainant, namely Vimla Kiran Pardeshi received a phone call at about 5:00 a.m. wherein Manorama informed her that her in-laws are harassing her on the ground that the said demand of Rs.10,00,000/- for the purchase of a shop was not being fulfilled. The complainant, thereafter, received a message at about 12:00 noon from the father-in-law of the deceased Manorama that his daughter has committed suicide. In the premise the FIR is registered. After completion of investigation, the police have filed the charge-sheet.

3) Heard the learned counsel for the applicant and the learned APP. I have also heard the learned counsel for the original complainant Mr Tajne at length and perused the charge-sheet annexed to the present application.

4) The record discloses that the marriage between the applicant and the deceased Manorama took place on 8.2.2014. As per the FIR and other statements of the witnesses, the applicant and the in-laws used to cause harassment to the deceased on the ground that the deceased did not bring Rs.10,00,000/- for purchasing of a shop/Gala. It further reveals from the statement of the prosecution witnesses that the harassment and/or the torture to the said deceased Smt. Manorama was of such an extent that she ultimately committed suicide by hanging herself in her matrimonial house on 16.5.2015.

5) The record shows that the father of the deceased namely Kiran Pardeshi in his FIR has stated that his wife i.e. Smt. Vimala Pardeshi received a phone call from the deceased at about 5:00 a.m. on 16.5.2015 thereby informing her that the in-laws of the deceased were harassing her and also torturing her as she did not bring Rs. 10,00,000/- for the purchase of a shop/Gala. That when the said witness was at his work, he received a phone call at about 12:00 noon about the suicidal death of his daughter.

6) It is to be noted here that in her statement dated 21.5.2015 Smt. Vimala Pardeshi, the wife of the complainant i.e. the mother of deceased has nowhere stated that she received the phone call from the deceased on 16.5.2015 at about 5:00 a.m. The statement of the brother of deceased namely Kapil Pardeshi who also resides with his mother and father is also silent about the receipt of the said phone call by his mother at about 5:00 a.m. on 16.5.2015. The statements of other witnesses namely Vimala Kiran Pardeshi, Smt. Nisha Jagan Pardeshi, Nutan Jitendra Pardeshi and Naina, the friend of the deceased discloses that the allegations of beating and harassment have been made mainly against the mother-in-law and sister-in-law of the deceased. It is to be noted here that the mother-in-law namely, Smt. Vimala (co-accused) and sister-in-law who are also co-accused in the present crime have been released on bail by the trial Court. The record further discloses

that the witnesses namely Rakesh Sauda who is the employee working in the shop of the applicant has stated that as per the order he cut the ham and the applicant took it for delivery at about 9:00 a.m. It appears from the record that the applicant was in his shop prior to 9:00 a.m. It further discloses that at about 11:00 a.m. the father of the applicant received a phone call from his daughter namely Priti stating that the deceased Manorama was not opening the door of the said room. The said witness along with the mother of the applicant went to the said flat and found the door of the said room was locked from inside. The said witness namely Rakesh with the help of other persons broke opened said door and found that the deceased had committed suicide with the help of the Dupatta in the kitchen. The said witness with the help of other persons who had gathered there, thereafter took down the said deceased by cutting the one end of said Dupatta which was tied to a hook of the kitchen.

7) Thus, prima facie, it is clear that the place where the deceased Manorama committed suicide was locked from inside. The medical report received by the prosecution agency mentions the final cause of death as 'death due to asphyxia due to hanging'.

8) It appears from record prima facie that the applicant was at his place of business prior to 9:00 a.m. and subsequently he left the said spot for delivery of meat to Vasai. That all the other accused persons

namely mother-in-law, sister-in-law and father-in-law of the deceased have been released on bail by the trial Court.

9) After taking into consideration the aforesaid facts, I am of the opinion that the applicant has made out a case for his release on bail.

10) Hence, the following order :

ORDER:-

- (a) The applicant shall be released on bail in CR No. 219/2015, registered with Vakola Police Station, on his furnishing a P.R. bond of Rs.50,000/- with one or two solvent local sureties in the like amount;
- (b) After release from jail, the applicant shall attend the concerned Police Station on every first and third Monday of the month between 10:00 a.m. to 12:00 noon;
- (c) The applicant shall also attend each and every scheduled date of the trial;
- (d) The applicant shall not tamper with the evidence and/or influence the witnesses;
- (e) The application is allowed in the aforesaid terms;
- (f) As the Criminal Bail Application No. 1647/2015 is allowed, Criminal Application No. 944/2015 does not survive and the same is disposed of accordingly.

(A.S. GADKARI, J.)