

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1772 OF 2016

Dheeraj N. Maru 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
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Mr. S.R.Gaud for the applicant.

Ms.S.S. Kaushik, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 21st October, 2016

P.C.

1. This is an application under Section 439 of the Cr.P.C. For bail in CR No. 123/2016 dated 12.6.2016 registered with N.M. Joshi Marg Police Station, Mumbai under Section 306, 325, 323, 504 of the Indian Penal Code.

Heard the learned counsel for the applicant and the learned APP and also perused the copy of the charge sheet annexed to the application.

3. The first information report dated 12.6.2016 is lodged by Smt. Deubai Wagh mother of the deceased Smt. Premila Maru. The deceased is the wife of the applicant. The date of incident is 10.6.2016. The first informant in her report has submitted that marriage between the applicant and the deceased Premila was solemnized in the year 1996. That the applicant used to harass the deceased and also used to demand money from her. The deceased was also

subjected to cruelty and due to the same on earlier two occasions he had tried to commit suicide by consuming poison. That, on 2.6.2016 the applicant assaulted the deceased, as the deceased did not bring money from her mother. It is stated that due to the consistent harassment and torture meted out by the applicant to the deceased she consumed poison and committed suicide.

4) After lodgment of his first information report the police conducted the investigation and have submitted charge sheet. The opinion as to the cause of probable death as mentioned in the Post Mortem notes is "Evidence of poisoning with associated multiple injuries". Col. No.17 of the PM. notes mentions about 14 injuries on the body of the deceased.

The record reveals that those injuries were suffered by the deceased on or about 3.6.2016 when the deceased had fell down in the bathroom and sustained fracture to her hand. The documents pertaining to the treatment given to the deceased in Nair Hospital, Mumbai were produced by the son of the applicant and the deceased namely Ashish during the course of investigation. Thus, it prima facie appears that the injuries which are mentioned in Col. No.17 of the post mortem notes were sustained and suffered by the deceased due to said fall on 3.6.2016. As far as the prosecution case that the applicant herein meted out cruelty and harassment to the deceased is concerned the statements of the children of the deceased which are at

Page No.43,47 and 48 of Ms. Jetal, aged 17 years, Ashish, aged 19 years and Ms. Varsha aged 15 years respectively does not support the case of the prosecution. The said children in their statements have stated that the marriage between the applicant and the deceased Premila was a love marriage. That there were no cordial relations between their mother and the applicant and there used to be frequent quarrels between themselves. It is further stated that the first informant namely Smt. Deubai Wagh i.e. mother of the deceased Premila, used to instigate the deceased and advise her to consume poison. After taking into consideration the statements of the children of the applicant and the deceased Premila and other material available on record, I am of the view that the applicant has made out a case for his release on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No.123/2016 registered with N.M. Joshi Marg Police Station, Mumbai and now culminated into Session Case No.623/2016 on his furnishing PR bond of Rs.25,000/- with one or more local sureties in the like amount.
- b) After his release from Jail the applicant shall attend the N.M. Joshi Marg Police Station on every first Monday of the month between 10.00 a.m to 1.00p.m.
- c) The applicant shall attend all the dates before the trial Court.
- ci) The applicant is directed to be released on cash bail

for a period of five weeks from today and during the said period he shall comply with the necessary procedure for furnishing sureties.

cii) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)