

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2357 OF 2015

Shalan Dashrath Kalkhaire & Anr.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

ALONGWITH
BAIL APPLICATION NO.2457 OF 2015

Vikas Dashrath Kalkhaire	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mrs. Rupesh Zade, Adv. for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 4th January, 2016.

P.C. :

1. These applications for bail are filed by the aforesaid applicants who have been arrested in Crime No.193 of 2015 for offences punishable under Sections 498(A), 306, 504 & 506 read with 34 of the IPC.

2. Mr. Zade, the learned counsel for the applicant has submitted that the chargesheet is already filed and the presence of the applicants is not required in custody. He has further submitted that

Shalan, the applicant No.1 in ABA No.2357 of 2015 is suffering from cancer and as such she is to be released on medical grounds.

3. Mrs. Shinde, the learned APP has submitted that the victim, who is 19 years of age had committed suicide within four months of marriage. There is prima facie material that the victim was subjected to cruelty. The offence is of serious nature and that the applicants are not entitled for bail.

4. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The records prima facie reveal that the deceased Kajal, the daughter of the complainant was married to applicant Vikas in ABA No.2457 of 2015 on 12th June, 2015. She had committed suicide on 7th October, 2015. The FIR lodged by the father of the deceased Kajal and the statements of the other witnesses prima facie reveal that the applicant herein had subjected her to physical and mental cruelty. The records also prima facie indicate that there were constant demands of dowry. Thus, there is prima facie material on record to show the involvement of the applicant in committing crime under Section 498 A and 306 read with 34 of the IPC. Hence the applicants Vikas & Dashrath are not entitled

for bail.

5. It is to be noted that the applicant No.1 Shalan has sought bail on the ground that she is suffering from cancer. She had relied upon medical certificate and the learned Sessions Judge had directed investigating officer to enquire whether the said certificate was issued after examining her. The learned APP has submitted that the certificate is genuine and that Shalan, is in fact suffering from Cervical cancer. Being a woman and considering her medical condition, I am inclined to grant bail to the applicant Shalan.

6. Under the circumstances and in view of the discussion supra bail application filed by Vikas, applicant in ABA No.2457 of 2015 as well as bail application filed by applicant No.2 in BA No.2357 of 2015 are hereby dismissed. Considering the medical condition of the applicant, Shalan, she is ordered to be released on bail on following conditions.

- (i) The applicant Shalan shall be released on bail on furnishing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two

sureties in the like amount to the satisfaction of the Sessions Court, Baramati.

- (ii) The applicant Shalan shall not interfere with the witnesses in any manner.
- (iii) The Applicant shall not leave Pune District without prior permission of the Sessions Court, Baramati.

(ANUJA PRABHUDESSAI, J.)