

JPP

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

BAIL APPLICATION NO. 236 OF 2017

Mr. Jaswinder Daljit Singh Dhalival. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mr. S.S. Butala i/b. S.S. Butala and Associates for the Applicant.
Mr. M.G. Patil, APP for the State.

CORAM : A.S. GADKARI, J.

24 April, 2017.

P.C. :-

1. This is an application for bail under Section 439 of the Code of Criminal Procedure in CR No. I-127/16 dated 4th September 2016 registered with Sanpada Police Station, Navi Mumbai under Sections 498A, 306, 377 of the Indian Penal Code.

2. It is the prosecution case that the deceased was married with the applicant on 27th April 2016. That due to the consistent harassment at the behest of the applicant, she committed suicide on 4th September 2016. The deceased has also left a suicide note which is seized by the police. During the course of investigation, the

applicant was arrested on 4th September 2016 and after completion of investigation, the police have submitted the charge-sheet.

4. I have perused the copy of the charge-sheet annexed to the application. The record reveals that the deceased Anmol Kaur was a patient of schizophrenia, prior to her marriage. The documents of medical treatment given to her and issued by G.T. Hospital, Mumbai are annexed at page 85 to the present application. It further appears from the record that the deceased continued to be a patient of schizophrenia and was taking treatment from Grant Medical College and JJ Group of Hospitals, Mumbai. The medical papers of the said treatment taken by the deceased dated 12 August 2016 are annexed to the application at page no. 89 onwards. It further appears that the deceased when suffering from the said disease has committed suicide. Prima-facie it appears that the factor of abatement as alleged by the prosecution is a weak circumstance in the present crime.

5. In view of the above, the applicant has made out a case for his release on bail.

Hence, the following order :

- (i) The applicant be released on bail in in CR No. I-127/16 registered with Sanpada Police Station, Navi Mumbai on his furnishing PR bond of Rs.35,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from jail, the applicant shall attend Sanpada

Police Station every First Monday of the month till the conclusion of trial.

(iii) Any two consecutive defaults will attract the provisions of cancellation of bail.

(iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6. The application is allowed in the aforesaid terms.

(A.S. Gadkari, J.)