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

CRIMINAL BAIL APPLICATION NO.873 OF 2017

Sumitrabai Anil Garud	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.D.V.Churi, for the Applicant.

Mr.S.S.Pednekar, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks her enlargement on bail in connection with C.R.No.I-199 of 2016 registered with the Manmad City Police Station, Nashik for the alleged offences punishable under Sections 306, 498(A), r/w 34 of the Indian Penal Code.
3. Learned Counsel for the Applicant submitted that the

prosecution case rests on circumstantial evidence. He submitted that admittedly the applicant was not present in the house when deceased set herself ablaze. He submitted that the applicant has been in custody since 28th November, 2016, and that investigation is complete and charge-sheet is filed.

4. Learned APP opposed the application. He does not dispute the fact that the applicant was not present in the house when the deceased committed suicide, however, he submitted that there are statements of close relatives of the deceased which show that the deceased was subjected to cruelty, by the applicant and co-accused – Nilesh.

5. Perused the papers. Deceased – Ravina was married to co-accused – Nilesh Garud on 26th June, 2016. After marriage, Ravina started residing with the applicant and her husband. It is alleged by the parents and closed relatives of Ravina that the applicant and co-accused – Nilesh would abuse her and demand the expenditure of marriage and would subject her to cruelty on petty issues. It is also alleged that the applicant alongwith co-accused – Nilesh did not permit her to go to her maternal

home and hence Ravina had informed her parents about the harassment on telephone. On 27th November, 2016, Ravina was found burnt in the matrimonial house. Ravina had sustained 100% burn injuries. The applicant has been in custody since 28th November, 2016. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid and keeping in mind the proviso to Section 437 of the Code of Criminal Procedure, 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 furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, as and when called for;
- iii) The Applicant shall inform her 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 trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)