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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.903 OF 2017**

Harish Dulochand Soni

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.S.V.Marwadi, i/b Ms.M.A.Ingale, for the Applicant.

Mr.R.M.Pethe, A.P.P for the Respondent-State.

PSI – J.P.Sarang, Charkop Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 14th AUGUST, 2017

P.C. :

. Leave to amend. Amendment to be carried out forthwith.

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.352 of 2015 registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 309, 328, 307, 306, 302 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the allegation

as against the applicant, that he administered poison to his wife and two children are false and baseless. He relied on the statement of Rupam's (deceased) mother – Kuldip Soni, to show that it was Rupam (deceased) who administered poison to her children and thereafter consumed it herself. He also submitted that one line in Rupam's (deceased) statement also appears to have been added subsequently, to falsely implicate the applicant. He submitted that even otherwise, investigation is complete and charge-sheet is filed and hence the applicant be enlarged on bail.

4. Learned APP opposed the application.

5. Perused the papers. The unfortunate incident took place in the intervening night of 1st October, 2015 and 2nd October, 2015. According to the prosecution, the applicant administered poison to his wife Rupam (deceased) and 2 daughters and thereafter himself consumed the same, as he was unable to repay the loans taken by him. Pursuant thereto, the applicant, his wife and children were taken to the Hospital. During treatment, the applicant's wife and one daughter succumbed to the poison. A perusal of Kuldip Soni's, [mother of the Rupam (deceased)] statement shows that on

1st October, 2015, she received a call from her daughter Rupam (deceased). She has stated that her daughter - Rupam (deceased) disclosed, that she and her husband were under a lot of stress and tension and that the persons from whom they had taken money were going to kill them and hence she asked her husband to bring rat poison. According to Kuldip Soni, her daughter Rupam (deceased) disclosed to her, that she had consumed poison and had also administered the same to her children and that the applicant had also consumed poison; and that she had committed a mistake. It also appears from Kuldip Soni's statement, that when they reached Mumbai and asked Bhumika (deceased) (applicant and Rupam's daughter), as to what had happened, she disclosed that her mother had informed that their father (applicant) had taken loans from his friends and that as he was unable to repay the same and the said persons would kill them and hence they should die before that. Bhumika is also alleged to have further disclosed, that their mother administered her and her sister some substance from a red colour tube and that the same was also consumed by her parents. The statement of Kanishka, aged 8 years shows that the applicant was under a lot of stress and tension because of the loans taken by him and as he was unable to repay the same. She has stated that her father had administered

them something from a red colour tube and that thereafter, her father called up his friend and disclosed the same to him. A perusal of the statement of Rupam (deceased) also more or less discloses the same. It also, *prima facie* appears, that the sentence “सदरचे Retol हे मुलींना खोकल्याचे म्हणून दिले.” has been incorporated subsequently. The applicant is in custody since 3rd December, 216. Investigation is complete and charge- sheet is filed.

6. In the peculiar facts of this case, 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, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iii) The Applicant shall inform his 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.

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.)