

Anand

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

BAIL APPLICATION NO.1015 OF 2017

1. Vikas Laxman Zite .Applicants
2. Dhanaji Laxman Zite
3. Sunita alias Sunanda Laxman Zite

Vs.

The State of Maharashtra .Respondent

Mr.U.R.Agandsurve, Advocate, for the Applicants
Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 04.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek their enlargement on bail in connection with C.R.No.657 of 2016 registered with the Karmala Police Station, Solapur(Rural), for the alleged offences punishable under Sections 306, 498A r/w.34 of the Indian Penal Code.

3. The Applicant No.1 is the husband; the

Applicant No.2 is the brother-in-law and the Applicant No.3 is the mother-in-law of deceased – Kavita.

4. Learned counsel for the Applicants submits that the allegations as against the Applicants are false and baseless. He submits that according to the Complainant – Chandrakant Ganpat Salgar, father of the deceased – Kavita, she had disclosed, that the Applicant No.3 – Sunita (mother-in-law) was having illicit relations with one Bapu Khatal and that Bapu Khatal would come regularly to their house. It is alleged that when Kavita disclosed the said fact to the Applicant No.1, the Applicant No.1 assaulted her and asked her to leave the house. He submitted that the said allegation is clearly contrary to the statement of the neighbour – Sagar Bhikaji Takale. He relied on page No.87 of the Application i. e. the statement of Sagar Takale, wherein, Sagar Takale has stated that he

had never seen Bapu Khatal at the house of the Applicants and that the allegations that Bapu Khatal was having illicit relations with the Applicant No.3 were completely false.

5. Learned APP opposes the Application. He submitted that apart from the aforesaid allegations, the Complainant and other witnesses have alleged, that the Applicants were demanding an amount of Rs.1,50,000/- for construction of the house and that they were ill-treating deceased - Kavita. He submitted that the statements show, that once she was even thrown out of the house and that she was required to take shelter in the neighbours house. He submitted that Kavita had disclosed to her relatives and neighbours, that the Applicants were ill-treating her, demanding money from her and were not giving her food etc.

6. Perused the papers. The Applicant No.1

had married Kavita six years prior to the incident. From the said wedlock, the couple had two children. The incident in question, took place on 20.12.2016 at about 7.00 p.m., when Kavita (deceased) left home alongwith her two children. On 24.12.2016, Kavita and her children's dead bodies, were found in the backwaters of the Ujani dam. Pursuant thereto, Kavita's father lodged an FIR on 25.12.2016, as against the Applicants and another accused. As against the 4th accused, it is informed, that a report under Section 169 of the Code of Criminal Procedure has been filed. As far as the Applicants are concerned, it is alleged that the Applicants were harassing and ill-treating deceased-Kavita; were demanding an amount of Rs.1,50,000/- for the construction of the house and that they were harassing her. Apart from the said allegations, there is also an allegation that Kavita had seen one Bapu Khatal visiting her matrimonial house and had disclosed to the

Applicant No.1 that Bapu Khatal was having illicit relations with the Applicant No.3. No doubt, some of the witnesses have categorically refuted the said allegation, of Bapu Khatal's illicit relations with the Applicant No.3 and his visiting Applicants' house, however, whether the same is true or not, is a matter which will be decided by the trial Court. Deceased – Kavita left her matrimonial house alongwith her children on 20.12.2016 and thereafter, the dead bodies were found on 24.12.2016, in the backwaters of Ujani dam. The Applicants have been in custody since December, 2016. Investigation is complete and charge-sheet is filed. Accordingly, the Application is allowed and the Applicants are enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.20,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station on the 1st **Monday of every month** between **10.00 a.m. and 11.00 a.m.** till the conclusion of the trial;

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

(iv) The Applicants shall inform their 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicants to cooperate with the conduct of the trial;

(vi) The Applicants shall file an undertaking with regard to Clauses (ii) to (v) in the trial Court within two weeks of their

release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicants' bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)