

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

CRIMINAL BAIL APPLICATION NO. 1024 OF 2017

Sandeep Mulchand Yadav	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Ms.Priyanka Dubey, Advocate for the Applicant.
Mrs.Veera Shinde, APP for the Respondent – State.
Mr.D.R. Patil, PSI Dahisar Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 28, 2017.

P.C. :

This is an application for bail. The applicant is arrested on 9th September, 2016 in connection with C.R.No.535 of 2016, registered with Dahisar Police Station. Initially the FIR was registered under Section 498-A, 306 of IPC. The charge-sheet was filed for the offences punishable under Section 498-A and 304-B of the IPC.

2 The case of the prosecution is that the marriage between the applicant and the victim was solemnized on 13th June, 2012 at Sultanpur and in November 2015 Gouhana was

performed. The victim stayed with her husband at Uttar Pradesh for six months. Thereafter, she delivered a child. On 14th June, 2016 she came to Dahisar for co-habitation at her matrimonial house. On 18th August, 2016, the victim had visited the parental home for Raksha Bandhan. The applicant followed her as there was delay in returning her matrimonial home. The applicant allegedly pulled the hair of the victim in front of her friend and abused her and also assaulted her. Thereafter, she went to her relative and subsequently, to the matrimonial home at Dahisar with her husband. On 20th August, 2016, the deceased came along with her daughter to her parents house. She had narrated the harassment caused to her by the accused. She stated that the accused is suspecting her character and used to assault her. She also stated that she had poured kerosene on her and had tried to commit suicide but the applicant - accused threatened her not to do the same and hence she came to the house of her parents. On 5th September, 2016, the victim poured kerosene on herself and set her ablaze and succumbed to the injuries. Hence, FIR was registered on 9th September, 2016 for the aforesaid offences.

3 The applicant is in custody from 9th September, 2016. Investigation is completed and charge-sheet has been filed.

Learned advocate for the applicant submitted that the applicant has been falsely implicated in the crime. She pointed out the statement of the complainant which was recorded on 5th September, 2016. In the said statement, the complainant has referred to the incident dated 28th August, 2016, wherein the victim had attempted suicide which was prevented by the applicant. He also stated that the applicant is requesting the applicant to go for outing and on that count there used to be quarrels. In the said statement, he did not make any grievance about the conduct of the applicant. Similar statement was made by the wife of the complainant which was also recorded on 5th September, 2016. However, subsequently, the FIR was lodged on 9th September, 2016, wherein for the first time the allegations were made attributing the overt act to the applicant of causing harassment to the victim. It is, therefore, submitted that the applicant has been in custody for a long period of time and no purpose will be served by detaining him in custody.

4 Learned APP submitted that the statements of independent witnesses are recorded. In the said statements, the witnesses has stated that the applicant-accused used to suspect the character of the victim and used to assault her. Learned APP

further submitted that there is sufficient evidence against the applicant to connect him with the crime.

5 Perused the FIR and the entire charge-sheet which has been annexed to the application. On perusal of the statement dated 5th September, 2016, it is apparent that the complainant and his wife had not raised any suspicion against the applicant and on the contrary the behaviour of the victim has been narrated in the said statement. It is also reflected that the applicant had tried to stop the victim from committing suicide at the earlier point of time. Although, the offence was registered under Section 306 of IPC, the charge-sheet has been filed for the offence punishable under Section 304-B of the IPC. The applicant is in custody since 9th September, 2016. On completion of investigation, charge-sheet has been filed and the further detention of the applicant is not necessary. In the aforesaid circumstances, I am inclined to grant bail to the applicant.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1024 of 2017 is allowed;

- (ii) The applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount;
- (iii) The applicant is directed to report Dashisar Police Station, once in a week on Saturday between 11.00 a.m. to 1.00 p.m. until further orders;
- (iv) Criminal Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)