

Anand

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

BAIL APPLICATION NO.1468 OF 2017

Sanjay Sharad Malik

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.V.S.Sharma, Advocate, for the Applicant

Mr.R.M.Pethe, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 22.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.1 of 2017 registered with the Bangur Nagar Police Station, for the alleged offences punishable under Sections 306, 406 & 498A of the Indian Penal Code.

3. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated in the said case. He submitted that the Applicant was not present in the house, when his wife – Pratima (deceased) committed suicide by hanging herself. He submitted that the

Applicant is in custody since January, 2017 and that investigation is complete and charge-sheet is filed.

4. Learned APP opposes the Application. Pratima (deceased) is the wife of the Applicant. The Applicant and Pratima were married on 11.03.2016 and the alleged incident has taken place on 01.01.2017 and the complaint is lodged on 03.01.2017. It is alleged by the Complainant – Purastam Malik (father of deceased) that he had given a sum of Rs.1,00,000/- as dowry to the Applicant in marriage. It is alleged that after the marriage, his daughter – Pratima started residing with the Applicant in Mumbai. He has further stated that in June, 2016, when they spoke to Pratima (deceased), Pratima disclosed to them that the Applicant does not talk with her properly; that he goes out without telling her; that he talks to somebody on the mobile; that whenever she talks to her relatives, he dislikes the same and would abuse and assault her, on account of the same. According to the Complainant, on the day of the incident i. e. on 01.01.2017, Pratima called her father to wish them a Happy New Year. He has alleged that when he asked her why she had not called them in the night, Pratima disclosed to him, that she and the Applicant had a quarrel in the night, as the Applicant had wished another lady, Happy New Year, on his mobile. He has stated that on

account of the same, there was a quarrel between them. He has further alleged that at about 5.00 p.m., the Applicant called him and disclosed to him, that he had brought Pratima to the hospital as she had committed suicide. He has alleged that the Complainant and other relatives had given cash and ornaments worth Rs.5,73,000/- to Pratima in marriage, and that being fed up with the harassment meted out to her by the Applicant, Pratima had committed suicide. Admittedly, there is no suicide note left by Pratima (deceased). It also appears that the Applicant was not present at home when the incident took place. It appears that there was some quarrel on 31.12.2016 night between the Applicant and Pratima (deceased) on account of wishing Happy New Year, to each other. The Applicant is in custody since January, 2017. Investigation is complete and charge-sheet is filed. In the facts, continued detention of the Applicant is not required.

5. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

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

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

(iii) The Applicant to cooperate in the conduct of the trial;

(iv) The Applicant shall not leave India without prior permission of the trial Court.

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

7. 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.)