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

CRIMINAL BAIL APPLICATION NO.1820 OF 2017

Amar Vijay Gaikwad	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.V.V.Purwant, for the Applicant.

Ms.J.S.Lohakare, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-46 of 2017 registered with the Thane Nagar Police Station, Thane, for the alleged offences punishable under Sections 498(A), 306, 304(B) r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the applicant

has been falsely implicated in the said case. He submitted that the allegation as against the applicant and other co-accused are general in nature. He submitted that as deceased-Reshma had undergone two abortions, she was mentally depressed. He further submitted that infact, it was the applicant who insisted and encouraged Reshma to continue with her studies and also asked Reshma to fill the form, for appearing for the 12th Standard Examination, after a gap of about 2 to 3 years after S.S.C.

4. Learned APP opposed the application.

5. Perused the papers. The applicant is the husband of Reshma (deceased). The applicant was married to Reshma on 15th May, 2016 and Reshma committed suicide in her matrimonial home on 4th March, 2017. Pursuant thereto, Reshma's mother – Sangita Jadhav lodged a complaint/FIR, as against the applicant and two other co-accused i.e. applicant's parents. It is alleged in the complaint, that before marriage, the applicant and his parents were demanding gold chain of two tolas and travelling expenses for the relatives for attending the marriage. The complainant has alleged that as she refused to pay the said expenses/chain,

the accused had a grudge in their mind. She has alleged that after about a month, Reshma had told them that she was being harassed by the applicant and by her in-laws; and that the applicant would assault her at the instance of his mother. Reshma is also alleged to have disclosed to the complainant that the applicant was addicted to liquor and would not go to work. According to the complainant, she told Reshma that her husband would improve and that she should tolerate for some days. The complainant has further alleged that whenever Reshma visited their house, she told them that the applicant and her in-laws would taunt her on account of non-payment of travelling expenses and gold chain of two tolas. The complainant has further alleged that twice, Reshma had undergone abortion, as Reshma was not allowed to rest and was made to work. The complainant has also alleged that even when Reshma was pregnant, the accused continued to ill-treat her and compelled her to work. On 3rd March, 2017, Reshma called the complainant and disclosed that her in-laws were again abusing her and on 4th March, 2017, the complainant learnt that Reshma had committed suicide by hanging herself in the matrimonial home and was taken to the hospital. According to the complainant, because of the harassment meted out to her by the applicant and the co-accused, Reshma

committed suicide. The prosecution case rests entirely on circumstantial evidence. The co-accused i.e. the applicant's parents have been enlarged on bail. Investigation is complete and charge- sheet is filed.

6. Considering the aforesaid, 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 not contact the complainant, witnesses or any person concerned with the case;
- 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;
- iv) 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.)