

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 195 OF 2018**

Dheeraj Umashankar Shahu

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ram Upadhyay for the Applicant

Mr. M. G. Patil, A.P.P for the Respondent-State

API Mr. Gaikwad from Borivali Police Station is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 3rd APRIL, 2018

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. 454 of 2017 registered with the Borivali Police Station for the alleged offences punishable under Section 304(B) r/w 34 of the Indian Penal Code.
3. Perused the charge-sheet. The applicant is the brother-in-law of deceased Aarti. According to the complainant-Ramshankar Sahu (father

of Aarti), his daughter Aarti got married to Neeraj on 8th February, 2012 and after marriage, Aarti went to Mumbai and started residing in her matrimonial home with her husband Neeraj, applicant, Dharendra and Atul (brother-in-law). It is alleged by the complainant that Aarti's husband Neeraj and applicant would fight with Aarti for household reasons. He has stated that about one year prior, Aarti had called him and asked him to arrange for Rs. 5 lakhs for taking a room. However, he told her that he did not have the said money. He has further alleged that after a few days, Aarti called him and told him that as the said amount was not given, her husband and the applicant were mentally and physically harassing her. In February, 2017, the applicant got married and the applicant's wife Shalu also started residing at Borivali in the same house. It is alleged that Aarti's husband-Neeraj would listen to Shalu and that all of them would humiliate Aarti. He has stated that on 27th August, 2017, Aarti called up his elder daughter and others and told them to send him i.e. the complainant to Mumbai and disclosed that all the accused were harassing her. He has further stated that on 28th August, 2017, Aarti's husband-Neeraj called and informed him that his daughter Aarti had committed suicide by hanging herself. He has stated that when he questioned Neeraj about the reason for the same, he replied

that there was a quarrel between Aarti and Shalu, pursuant to which, Aarti committed suicide.

4. The applicant is in custody since 15th September, 2017. Investigation is complete and charge-sheet is filed. 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 executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to influence or 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 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;

- (iv) The applicant to cooperate with the conduct of the trial;
 - (v) If there are two consecutive defaults in appearing before the trial Court or in reporting to the Investigating Officer and if there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.
5. The application is accordingly disposed of.
6. 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.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.