

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 498 OF 2018**

Hemant Bhanupratap Singh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rahul Arote for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 2nd MAY, 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. I-184 of 2017 registered with the Rabale Police Station, for the alleged offences punishable under Sections 498A and 306 of the Indian Penal Code.
3. Perused the charge-sheet. According to the complainant-Rajeshwari Shukla (mother of deceased Gunjan), her daughter Gunjan and the applicant got married on 4th October, 2015 and that it was a love

marriage. She has stated that initially her daughter Gunjan was treated well, however, after two months, her daughter disclosed to her that she had jaundice and had pain in her abdomen and that despite the same, the applicant was insisting that she go for work. The complainant has further alleged that in February, 2016, Gunjan called and disclosed that the applicant would tell her that she was short and was not good looking; that her daughter Gunjan and the applicant visited their house in February, 2016, when her daughter disclosed to her that she had some white spots on her body, as a result of which, the applicant was unhappy. She has further stated that Gunjan would secretly visit her house and inform her about the ill-treatment meted out to her by the applicant; that in May 2016 the applicant and Gunjan moved out from the applicant's parents house and started residing separately at Ghansoli, Navi Mumbai. She has further stated that in November 2016, Gunjan disclosed to her that the applicant did not want to stay with her and wanted to perform second marriage and on 14th April 2017, Gunjan committed suicide in her matrimonial house. According to the complainant, for some unknown reason, Gunjan committed suicide.

4. Although learned counsel for the applicant submitted that no offence as alleged under Section 306 is disclosed *qua* the applicant, the same is a matter which will be considered by the trial Court. The applicant is in custody since 2nd May, 2017. Investigation is complete. Charge-sheet has been filed.

5. 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. 20,000/-, with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Sunday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) 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;

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

(vi) 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.

6. The application 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.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.