

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 559 OF 2018**

Tejas Ramesh Bakale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 10th 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. 264 of 2017 registered with the Agripada Police Station, Mumbai, for the alleged offence punishable under Section 306 of the Indian Penal Code.
3. Perused the charge-sheet. According to the prosecution, the applicant and deceased-Vrushali were in a live-in relationship and were residing together since 2015. Vrushali (deceased), committed suicide at

her residence on 8th November, 2017. Vrushali was a social worker working with an NGO whereas, the applicant was allegedly without a job and was addicted to alcohol. It is also alleged that the applicant would demand money from Vrushali from time to time and would physically assault her, if the said demand was not fulfilled. It is further alleged that the applicant was having illicit relations with another lady and that he would take money from Vrushali and spend it on the said lady. It is also alleged that the applicant had taken Rs. 2,50,000/- without Vrushali's permission and had spent it on the said lady and on liquor. Admittedly, Vrushali was alone at home when she committed suicide by hanging herself at her residence. It appears that on 8th November, 2017, the applicant returned home and as Vrushali was not opening the door, the door had to be broken open. There are neighbours who are eye-witnesses to the same. None of the neighbours have spoken about any ill-treatment meted out by the applicant to Vrushali. It appears from the statement of Sachin Kurmi, that he had met Vrushali on 7th November, 2017 in Cafe Ideal and that he had carried lunch for Vrushali. However, the said witness has also not spoken about any disclosure made by Vrushali to him vis-a-vis the applicant. It is also pertinent to note that the statement of Vrushali's father

was recorded on the very same day i.e. on 8th November, 2017, however, he has not expressed any suspicion on any person and that after a month, i.e. on 8th December, 2017, the aforesaid complaint was lodged.

4. Be that as it may, whether or not there is a delay in lodging the FIR, is a matter, which will be decided by the trial Court. The applicant is in custody since 8th December, 2017 and investigation is complete and charge-sheet is 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 initially released on cash bail in the sum of Rs. 20,000/- for a period of four weeks;

(ii) The applicant shall within the said period of four weeks, furnish PR Bond in the sum of Rs. 20,000/- , with one or two sureties in the like amount;

(iii) The applicant shall not tamper 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 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 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.