

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

BAIL APPLICATION NO.984 OF 2018

Dhirendra Umashankar Sahu	... Applicant
V/s.	
The State of Maharashtra	... Respondent

**AND
BAIL APPLICATION NO.1635 OF 2018**

Niraj Umashankar Sahu	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Ram Upadhyay for the Applicant.
Mr. Ajay Patil, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 30th JULY 2018

P.C.:

1. These are the applications under Section 439 of the Cr.P.C. for bail in C.R.No.454 of 2017 dated 11.09.2017 registered with Borivali Police Station, Mumbai under Sections 304(B) r/w.34 of the Indian Penal Code.
2. Heard the learned counsel for the applicants and the learned APP. Perused the charge-sheet.

3. The applicant Mr. Niraj U. Sahu is the husband and Mr. Dhirendra U. Sahu is the brother-in-law of deceased Smt. Aarti. The marriage of Aarti with Niraj was performed on 08.02.2012 and after their marriage Aarti started residing with Niraj at her matrimonial house. That, the applicant Dhirendra is the younger brother of Niraj and was also residing in the same house. It is stated that subsequently the younger brother of the applicant Dhirendra got married with Shalu, who was also residing in the same house at Borivali.

It is the prosecution case that, Niraj would listen to Shalu and other family members and would cause harassment to Aarti. It is alleged that, there was demand of Rs.5 Lacs by the applicants for purchasing a house from Aarti, which she had informed to her father (first informant). That, on 28.08.2017 Aarti committed suicide by hanging herself at her matrimonial house.

During the course of investigation, the applicants came to be arrested on 15.12.2017 and after completion of investigation, the police have submitted charge-sheet.

4. It is the specific prosecution case that, on the date of incident, there was a quarrel between Aarti and Shalu, pursuant to which,

Aarti committed suicide. The record indicates that, co-accused Smt. Shalu has been granted pre-arrest bail and Dheeraj has been granted regular bail by this Court. The role attributed to Dheeraj and the present applicants is the same or similar and therefore, the applicants are entitled to be released on bail on the ground of parity. Even otherwise the applicants are in custody since September 2017 and the investigation of the present crime is already completed.

5. In view thereof, the applicants can be released on bail.

Hence, the following order.

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- each with one or two separate sureties in the like amount.
- (ii) The applicants shall not tamper or attempt to influence or contract the complainant/witnesses or any person concerned with the case.
- (iii) The applicants 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 applicants 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 applicants' bail.

6. Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)