

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

**CRIMINAL APPLICATION NO.711 OF 2018
(FOR BAIL)
IN
CRIMINAL APPEAL NO.508 OF 2018**

Ramesh Namdev Lende

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....
Ms.Anjali Patil a/w. Mr.Arun Rajput, Advocate for the Applicant.
Mr.Y.M Nakhwa, APP for the Respondent-State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : JULY 25, 2018.

P.C. :

This is an application for suspension of sentence and grant of bail. The applicant is convicted for the offences punishable under Section 498-A and 304-B of IPC. He was sentenced to suffer imprisonment for three years and 7 years, respectively for the aforesaid offences.

2 The prosecution case is that the victim who is the wife of applicant had committed suicide on 8th February, 2018. The marriage between deceased and the applicant was solemnized on 20th May,

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3 Applicant was tried before the Court of Sessions vide Sessions Case No.46 of 2011 and by judgment and order dated 16th April, 2018 he was convicted as stated hereinabove.

4 Learned counsel for the applicant submitted that there is no evidence on record to substantiate the charge under Sections 498-A and 304-B of the IPC. The evidence of the witnesses is contrary to each other. The allegations were made against all the accused who were prosecuted for the said offences. However, the other accused viz. Accused nos. 2 to 5 were acquitted by the trial Court. Applicant is being convicted being husband of the deceased. It is further submitted that the applicant was on bail during the trial and he has not misused the facility of bail. After conviction, he is being taken into custody.

5 Learned APP submitted that the prosecution has examined several witnesses who have supported the prosecution case and thus there is evidence to convict the applicant for the said offences. The witnesses have corroborated each other. It is submitted that the co-accused were acquitted on the basis of the nature of evidence against them. It is further submitted that the incident had occurred within short span of time after the marriage.

6 I have perused the evidence on record. Bail preferred by

the applicant has been admitted and is pending for hearing. From the cross-examination of P.W.1, it is apparent that the said witness has deposed that after fixing the proposal of marriage that there was meeting as to how the marriage was to be solemnized as per custom and the marriage function was amicable. Relying upon the evidence of the said witness and evidence of other witnesses, learned counsel for the applicant's submission is that there is no demand of dowery at the time when the marriage was solemnized and the question of making any demand thereafter does not arise. From the cross-examination of the P.W.1, it appears that he could not produce any evidence relating to allegation that an amount of Rs.17,000/-, was given to the accused. The witnesses have attributed the acts of harassment to all the accused. The other accused are acquitted by the trial Court. It is also pointed out that the allegations reflected in evidence of P.W.3 were not referred to by the other witnesses. The investigating officer has admitted that he did not record the statement of neighbours nor collected CDR data in respect to the conversation between the deceased and P.W.2.

7 Learned counsel for the applicant also brought to my notice the order passed by the Sessions Court during the pendency of the trial granting bail to the applicant. The applicant was on bail during the trial.

8 Taking into consideration the aforesaid circumstances
case for grant of bail is made out.

9 Hence, I pass the following order:

:: ORDER ::

- (i) Pending hearing and final disposal of criminal Appeal No.508 of 2018, the sentence awarded by the learned Additional Sessions Judge, Raigad-Alibag, in Sessions Case No.46 of 2011, by judgment and order dated 16th April. 2018, is suspended and the applicant is directed to be released on bail on furnishing P.R.Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (ii) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)