

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

BAIL APPLICATION NO. 2293 OF 2018

Mr. Shrikant Dattaram GawadeApplicant
V/s.

The State of MaharashtraRespondent

Mr. Sagar J. Ruparel for the applicant.
Mr. S.S. Pednekar, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 25th SEPTEMBER, 2018.**

P.C.:

. Heard Mr. Sagar J. Ruparel, learned counsel for the applicant and Mr. S.S. Pednekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

2. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.I-208/2018 registered with Khargar Police Station, District Raigad for offences punishable under sections 306, 498(A) r/w. 34 of the Indian Penal Code.

3. The records reveal that the applicant was married to Shruti on 18/02/2013. She committed suicide on 04/06/2018. Ratishma Baba

Khandekar, the mother of deceased Shruti lodged the first information report stating that the applicant and his parents were constantly demanding money from her. She claims that she was unable to pay money because of financial constraints. She had alleged that the applicant and his family members had subjected Shruti to cruelty because of non payment of dowry.

4. The records *prima facie* indicate that the allegations as regards cruelty are general in nature. The only specific allegation against the applicant is that he used to insist on having physical relationship with the deceased even when she was not in physically fit condition. *Prima facie*, the said act cannot be considered as an act of 'abetment' as defined under Section 107 of the Indian Penal Code which reads thus :-

“ 107. Abetment of a thing.—A person abets the doing of a thing, who—
(First) —Instigates any person to do that thing; or
(Secondly) —Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
(Thirdly) —Intentionally aids, by any act or illegal omission, the doing of that thing. ”

5. It is to be noted that the co-accused i.e. the parents of the applicant have already been granted bail. Furthermore, the investigation is completed and charge sheet is already filed and the

presence of the applicant is no longer required in custody. The applicant is a permanent resident of Khargar, Navi Mumbai and there is no possibility of the applicant absconding and/or thwarting the course of justice.

6. Considering the above facts and circumstances, this is a fit case for grant of bail. Hence, Bail Application is allowed on following terms and conditions :-

(a) The applicant who is arrested in C.R.No.I-208/2018 registered with Khargar Police Station, Raigad is ordered to be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with one or two solvent sureties in the like amount.

(b) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(c) The applicant shall not change his residential address without prior intimation to the concerned Court.

(d) The applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)