

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

CRIMINAL BAIL APPLICATION NO. 272 OF 2019

Vijay Sambhaji Thorat	...	Applicant
Versus		
State of Maharashtra	...	Respondent

Mr. Satyam H. Nimbalkar a/w Rohan Hogle for Applicant.
Ms. J. S. Lohokare, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.
DATE : JANUARY 25, 2019.

P.C. :

. In Crime No. 411 of 2012 for an offence punishable under Sections 304(B), 498-A read with Section 34 of the Indian Penal Code, the Applicant is seeking regular bail. The Applicant was arrested on 20th November 2012 and was accordingly chargesheeted.

2. The prosecution story against the Applicant is, after marriage with the deceased Vaishali on 25th November, 2007 the Applicant demanded dowry.

3. As such Vaishali committed suicide. Hence, the offence in question.

4. The learned Counsel for Applicant submits that after the

arrest of the Applicant on 20th November 2012, there is no further progress in the matter in the trial for last almost more than six years. According to him, maximum punishment provided under the offence under Section 304(B) is upto the life imprisonment. According to him, the Applicant has already suffered imprisonment for last more than six years. In view of the detention, Applicant has underwent depression and also tried to commit suicide as could be inferred from the record which is placed on record. As such, there is an inordinate delay in deciding the case against the Applicant.

5. The learned APP opposed the claim. As according to the learned APP this Court has time and again rejected the prayer for bail.

6. Considered rival submissions.

7. The earlier request of the Applicant after his arrest on 20th November 2012 was rejected on 30th April 2013 and thereafter on 26th July 2013 he was relegated to the learned Sessions Court. The subsequent Bail Application came to be disposed of as withdrawn on 23rd February 2015. The fact remains that the charge is framed against the present Applicant in 2015, however, it appears that thereafter the trial has not proceeded ahead.

8. Considering the allegation against the Applicant wherein his wife Vaishali has committed suicide and the fact that the Applicant is behind the bars for last more than six years, in my opinion, the case for grant of bail is made out. Hence, the following order.

ORDER

- (A) The Applicant be released on bail in Crime No. 411 of 2012 for an offence punishable under Sections 304(B), 498-A read with Section 34 of the Indian Penal Code on executing PR Bond of Rs.25,000/- with one surety in the like amount.
- (B) The Applicant shall not tamper the evidence of prosecution nor influence the prosecution witnesses.

9. Criminal Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)