

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 353 OF 2019**

Bobysingh Ranjeetsingh Labana	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ganesh K. Gole I/b Mr. Ateet Shirodkar for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PI Mr. Mohan Krushna Khandare and PN Mr. A. J. Chopade, from Hill Line Police Station, Thane, are present.

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 18th SEPTEMBER 2019

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. I-188 of 2018 registered with the Hill Line Police Station, Thane, for the alleged offences punishable under Sections 304B, 498A r/w 34 of the Indian Penal Code.

3 Perused the papers. The applicant is the husband of deceased-Kawaljeet Kaur. It appears that the applicant and the deceased got married

on 11th February 2018 and on 23rd July 2018, the deceased committed suicide at her matrimonial house. According to the prosecution, although at the time of fixing the marriage, there was no demand from the applicant and his family members, however, subsequently, the applicant and other accused started demanding ornaments and household articles from the deceased. It is alleged that the complainant, who is the father of the deceased had agreed to fulfill the said demands of the applicant's family at the time of marriage and gave ornaments and other articles. According to the complainant, in March 2018, Kawaljeet Kaur (deceased) called her father (complainant) and disclosed to him that the applicant and his family members were assaulting her. It is alleged that the deceased disclosed that the applicant was demanding money, as he had lost money in gambling and had to repay Rs. 1,00,000/-. It is further stated by the complainant that he went to the applicant's house at Ulhasnagar and took his daughter to Delhi. It appears that the applicant also went to Delhi and thereafter, both returned back to Ulhasnagar. It is alleged by the complainant that before the applicant and his daughter returned to Ulhasnagar, he handed over a sum of Rs. 65,000/- to the applicant. According to the complainant, on 23rd July 2018, between 3:24 a.m and 3:27 a.m, he received four missed calls from his daughter and at about 3:29 a.m, all that was disclosed by the deceased to the complainant was that the applicant was drinking and had lost money

in gambling and was asking her to bring money and on refusal, assaulted her. It appears that pursuant thereto, there was a quarrel between the applicant and his family members on the one hand and the deceased on the other. At about 12:30 p.m, the deceased committed suicide by hanging herself, after locking the door from inside.

4 On 18th July 2019, learned A.P.P sought time to seek the opinion of the doctor in view of the opinion given in the final cause of death certificate and the post-mortem. Today, she has tendered the opinion of the doctor. In the said opinion, the doctor has stated that it was a case of suicidal hanging. The said opinion is taken on record. The applicant is in custody since 7th August 2017. Investigation is complete and charge-sheet is filed.

5 Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two local sureties in the like amount;

- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. till the framing of charge;
- (iii) The applicant shall not tamper with the evidence 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 and attend all the dates before the trial Court, unless exempted;
- (vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;
- (vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any

of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6 The application is 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.