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

CRIMINAL BAIL APPLICATION NO.803 OF 2019

Kisan Induraj Kokane	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.V.J.Bhanushali, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 25th JUNE, 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 – 209 of 2018 registered with the Kalyan Taluka Police Station, Thane, for the alleged offences punishable under Sections 306, 498(A), 504 and 506 of the Indian Penal Code.
3. Perused the papers. The applicant is the husband of deceased – Shobha. The complainant is the father of deceased – Shobha. He has

stated that the applicant and his daughter – Shobha got married in May, 2015 and that after marriage they started living at Virar. He has stated that the applicant was working with the B.E.S.T. as a Conductor; that after 6 to 8 months of the marriage, the applicant started assaulting and abusing his daughter – Shobha, as he would suspect her character; that the applicant was at home for about 2 to 3 months, as he had borrowed Rs.50,000/- from his colleagues and could not return the same; that he (complainant) gave an amount of Rs.50,000/- to the applicant to repay the borrowed amount to his colleagues and asked him to resume his service; that the applicant again resumed his service and that within some time again stopped going for work, as he had received a notice from the B.E.S.T to quit his job; and that the applicant was thereafter doing some work to earn his livelihood. According to the complainant, one year prior to the incident, the applicant and his daughter had come to reside at Manorama Chawl at Titwala. He has stated that the applicant had no work at that time and would quarrel regularly with his daughter and that in May, 2018, his daughter informed him about the same. He has further stated that in May, 2018, his daughter – Shobha went to her sister's house at Rajur and disclosed to her that the applicant would suspect her character and would never let her go out.

According to the complainant, his elder daughter – Asha had asked the applicant to remove any doubts about the character of his wife –Shobha and had also asked him not to assault her physically and despite the same, the applicant continued to harass. It is alleged by the complainant that he received a call from the police on 1st June, 2018, at about 4.30 p.m., informing him that his daughter – Shobha had committed suicide by hanging herself and that the grand daughter had also expired. According to the prosecution, the applicant's wife – Shobha committed suicide being fed up of the conduct and harassment meted out to her by the applicant. It is stated that Shobha prior to committing suicide administered poison to her daughter, aged 3 years.

4. Learned Counsel for the Applicant submits that the suicide note which blames the applicant for committing the suicide is suspicious. He submitted that there is nothing to show that the suicide note was written by deceased – Shobha. The said submission can be dealt with by the trial Court, at the time of trial. *Prima facie*, there is sufficient material to show the complicity of the applicant.

5. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail.

6. Hence, the application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited. The learned Judge to conclude the trial as expeditiously as possible and preferably within 12 months from the date of receipt of this order.

7. It is made clear that the observations made herein are prima facie for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.