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

CRIMINAL BAIL APPLICATION NO.1657 OF 2019

Gopal Jagan Wagh	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.P.R. Rajput, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

PSI – R.L.Dange, Badlapur (W) Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th OCTOBER, 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-153 of 2018 registered with the Badlapur (W) Police Station, for the alleged offences punishable under Sections 304-B, 306, 498-A r/w 34 of the Indian Penal Code.
3. Perused the papers. The applicant is the husband of deceased – Rajeshwari. The applicant and deceased –Rajeshwari were married on 16th December, 2011 and from the said wedlock, one son was born in the year 2013 and a daughter in 2015. The complainant is the mother of

deceased – Rajeshwari. According to the complainant, the applicant's parents would assault Rajeshwari on petty reasons and would force her to do all the household work. It is alleged that the accused would keep her hungry and force her to go to earn money i.e. for selling agarbattis in the train. It is further alleged that when Rajeshwari was sick, she was asked to bring money for her medical expenses from her parents. It is alleged that Rajeshwari was also asked to bring money from her parents to purchase motorcycle for the applicant and for other household expenses. It is alleged that all the accused including the applicant subjected Rajeshwari to mental and physical harassment/cruelty and being fed up of the same, Rajeshwari committed suicide by pouring kerosene on her person on 11th October, 2018, at about 6.00 a.m.

4. Learned Counsel for the applicant submits that admittedly the applicant was not present in the house at the time of the alleged incident. He relied on the punch card of Crompton Greaves Limited, which is on page 136 of the application, to show that the applicant was on night shift duty and that he had checked-in on 10th October, 2018 at about 22:18 hrs and checked-out on 07:00 hrs, on 11th October, 2018. *Prima facie*, there appears to be some substance in the said submission, having regard to the document which is on page 136 of the application, which shows that the

applicant was not present at the house at the time of the alleged incident. It also appears that one of the neighbour informed the applicant about the incident, when the applicant was on his way home. The applicant is in custody since October, 2018. Investigation is complete and charge-sheet is filed.

5. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- ii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

iv) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court.

6. The Application is allowed and disposed of in above terms.

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.