

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1823 OF 2019**

Sachin Sunil Bolake	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Pankaj N. More for the Applicant

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent-State

PI Mr. Gangaram K. Patil from Pant Nagar Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 19th AUGUST 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. 611 of 2018 registered with the Pant Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 306, 498A r/w 34 of the Indian Penal Code.

3 The applicant is the husband of deceased-Poonam. According to the prosecution, the applicant and the deceased got married on 21st May

2017, after which, Poonam started residing with the applicant and his parents (accused Nos. 2 and 3). It is alleged by the prosecution that the applicant and his parents were not happy, when Poonam delivered a baby girl in March 2018, as they wanted a boy. It is alleged that the applicant and his parents abused Poonam. It is also alleged that the applicant told Poonam that since it was a cesarean delivery, she would not be able to conceive another child and hence, he will have to get married again. It is alleged that all the accused abused and assaulted her, as Poonam had delivered a baby girl. According to the prosecution, Poonam had also lodged an NC in October 2018 as against the accused and hence, Poonam was sent to her maternal home at Virar. According to the prosecution, in November 2018, a meeting of the relatives of both sides was arranged and that the applicant had assured to take care of Poonam. It is further stated that on 20th December 2018, the applicant came to Virar and took his daughter with him, pursuant to which, Poonam also went with him for her daughter's sake. On 30th December 2018, the complainant, who is the brother of deceased-Poonam, received a message that his sister Poonam has committed suicide by jumping from 5th floor of the building in which she was residing.

4 Learned counsel for the applicant submitted that the allegations are false and baseless and that no offence as alleged is made out *qua* the applicant. He submitted that the applicant has not abetted the commission of offence and that the possibility of Poonam falling accidentally from the window, as the window had no grills, cannot be ruled out.

5 It appears that the other co-accused have been released on bail. Whether or not the offence is made out, is a matter which will be decided by the trial Court. The applicant is in custody since December 2018. Investigation is complete and charge-sheet is filed.

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

ORDER

(i) The applicant be released on cash bail in the sum of Rs. 30,000/-, for a period of six weeks;

(ii) The applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs. 30,000/- with one or two sureties in the

like amount;

(iii) 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 conclusion of the trial;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) 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;

(vi) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vii) The applicant shall file an undertaking with regard to clauses (iii) to (vi) in the trial Court, within two weeks of his release;

(viii) The applicant shall deposit his passport, if any, with the Investigating Officer, before his release;

(ix) 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.

7 The application is accordingly disposed of.

8 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.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.