

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1861 OF 2019**

Mayur Yashwant Chavan

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. V. K. Dubey I/b V. K. Dubey & Associates for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
MONDAY, 29th JULY 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-31 of 2019 registered with the Bhayandar Police Station, Thane, for the alleged offences punishable under Sections 306, 500, 201 of the Indian Penal Code and under Section 67(A) of the Information Technology Act.

3 Perused the papers. According to the complainant-Sandhya (mother of deceased-Shraddha), the incident took place on 24th January

2019, when her daughter committed suicide by hanging herself. It appears from the FIR/complaint, that in 2013, the applicant was working as a ward boy in a hospital at Dadar, where the complainant was working as a Security Guard. It appears that the applicant and the deceased met each other at the said hospital. In 2014, the complainant left her job and started residing at Bhayandar with her family. It appears that the applicant, on two or three occasions, visited the complainant at Bhayandar (West) and that during the said period, there was an affair between the applicant and her daughter (deceased). It appears that the deceased informed the complainant that she and the applicant were going to get married. However, the applicant was refusing marriage on some pretext. It appears that subsequently deceased-Shraddha met one Dharmesh Yadav, who was working in a factory, pursuant to which, they became friendly and later, got married in May 2018. On 23rd January 2019, the complainant's daughter-Anushka received a call from her step son-Aniket, who informed that the photo on the WhatsApp status of her daughter was vulgar. The complainant started receiving several calls from her relatives informing her the same. Dharmesh, the husband of the deceased took Shraddha to his residential premises and inquired with her. It is stated that the deceased

informed her husband-Dharmesh that in the morning at around 10:45 a.m, the applicant had met her and was asking her to call, however, she refused, pursuant to which, the applicant snatched her mobile and posted a vulgar/nude photograph of the deceased on the WhatsApp status. Since the deceased's relatives had seen her photograph on the WhatsApp status, she felt defamed and committed suicide by hanging herself.

4 A suicide note of the deceased was found, which shows that the applicant had uploaded the obscene photograph of the deceased on her WhatsApp status in her mobile phone, resulting in her committing suicide. The CDR of the applicant's mobile shows that the applicant was in the area during the said period, when the said photograph was uploaded on WhatsApp status. The deceased's mobile was produced by her husband.

5 In the course of the investigation, it was revealed that the applicant was using two mobile phones, one of HTC mobile company and another of Motorola. During inquiry, it appears that the applicant revealed that the mobile of HTC company was lost, pursuant to which, Section 201 was added.

6 *Prima facie*, from the material on record, it appears that the applicant had uploaded the obscene photograph of the deceased on her mobile, as a result of which, the deceased committed suicide. The possibility of the applicant tampering with the witnesses also cannot be ruled out.

7 Considering the aforesaid, the application is rejected. However, the trial of the applicant is expedited.

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.

REVATI MOHITE DERE, J.