

nsc.

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

CRIMINAL BAIL APPLICATION NO.2375 OF 2019

Hitesh Jalinder Kamble
(Applicant Nos.2 to 5 deleted)

...Applicant

Versus
State of Maharashtra

...Respondent

Mr.M.T.Bhingardive, for the Applicant.

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

API – P.K.Maske, Virar Police Station, Palghar, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th OCTOBER, 2019

P.C. :

1. At the outset, learned counsel for the Applicants seeks leave to delete the names of Applicant Nos.2 to 5 from the array of Applicants. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.621 of 2019 registered with the Virar Police Station, Palghar, for the alleged offences punishable under Sections 498-A,

306 r/w 34 of the Indian Penal Code.

4. Perused the papers. According to the complainant – Mainavati Gupta (mother of the deceased – Neelam), her daughter got married to the applicant on 4th May, 2015. She has stated that it was a love marriage and that her daughter got married to the applicant, without informing them. She has stated that initially for 1 ½ years, her daughter was happily residing with the applicant. According to the complainant, her daughter was doing business of serving breakfast in the Railways for the last eight months. She has stated that her daughter - Neelam called her and informed her few days prior to the incident, that the applicant was not working for the last two months and that it was difficult for her to run the house. Neelam is also alleged to have disclosed that the applicant had assaulted her and that whatever money she would earn, the applicant would steal the same from her purse and consume alcohol, pursuant to which, there were quarrels between them. The applicant is also alleged to have made a demand for dowry from her. According to the complainant, Neelam had disclosed to her that she had pain in her abdomen, as a result of which, she was restless, pursuant to which, she sent Rs.2,000/- to Neelam. The statements of Neelam's father and other relatives are more or less similar. It is informed that the police intends to file charge-sheet on 19th October,

2019. The applicant is in custody since July, 2019. Investigation is almost complete.

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

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. and 11:00 a.m., for a period of 24 months from the date of his release;
- iii) 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;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with

the case;

v) 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;

vi) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

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.