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

BAIL APPLICATION NO.2208 OF 2018

Sainath Ramchandra Dabhade

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Rajiv Patil, Senior Advocate a/w Tanmay Vispute for Applicant.

Ms. J.S. Lohokare, APP for State.

Mr.R.J. Shete, PSI, Ambernath Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 14th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I-128 of 2017 dated 8th May 2017 registered with Ambernath Police Station, District-Thane under sections 306, 498(A) read with 34 of the Indian Penal Code.

2] Heard the learned senior Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The name of the deceased is Smt. Aruna and the date and time of alleged incident is 2nd May 2017 at about 3.00 a.m. It is the prosecution case that, the applicant got married to Smt. Aruna (deceased) on 21.3.2011 at Satara. Their marriage was a love-marriage. That the family members of

the applicant were against the said marriage. When Mrs. Aruna started co-habiting at her matrimonial house, her in-laws used to pass sarcastic comments, abused her and did not give her food. It is also alleged that, the applicant is addicted to liquor and under the influence of liquor he used to beat Mrs. Aruna. Deceased Mrs. Aruna therefore on various occasions left her matrimonial house and had been to her parents house. That there was a quarrel between the applicant and the deceased Smt. Aruna on the date of incident and therefore, Mrs. Aruna committed suicide by hanging herself at her matrimonial house.

During the course of investigation, the applicant came to be arrested on 11th May 2017 and after completion of investigation the police have submitted chargesheet.

4] The record indicates that, on 15th Decemer 2013 Smt. Aruna had lodged a complaint with the Ambernath Police Station against the applicant and her in-laws and had requested the police to mediate in the matter and get assurance that the applicant will not consume liquor and will leave bad company of his friends. In the meantime, when Smt. Aruna had been to her parents house the applicant went there and tendered apology saying that whatever happened earlier, the same will not happen in future and he will not cause cruelty to Smt. Aruna.

After perusing the entire record, *prima facie* it appears that, there is insufficient material available on record to draw a conclusion that, the applicant abated the suicide of Smt. Aruna.

5] In view of the above, the applicant can to be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. I-128 of 2017 registered with Ambernath Police Station, District- Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

ii] After his release from jail, the Applicant shall attend the Trial Court on every first Monday of the month between 11.00 a.m and 1.00 p.m. If the first Monday comes on a holiday, the applicant shall attend the Trial Court immediately on the next working day;

iii] Applicant shall also attend all the dates before the trial Court unless precluded for medical reason.

iv] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)