

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2427 OF 2019**

Siddharth Bhagoji Mogale	]	Applicant
Versus		
The State of Maharashtra	]	Respondent

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Mr. Dilip B. Shinde, for the Applicant.

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

Mr. G.P. Borse, A.P.I, Park Site Police Station.....

**CORAM : REVATI MOHITE DERE, J.
DATE : 1st 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.179 of 2019 registered with the Vikhroli Police Station, Mumbai, for the alleged offences punishable under Sections 306 and 498-A of the Indian Penal Code.
3. Perused the papers. The applicant is the husband of the deceased Shital. According to the complainant, the applicant and Shital got married in May, 2012. It is alleged by the complainant, who is father of the deceased

Shital that as his daughter could not conceive, the applicant and other family members started harassing and ill-treating her, pursuant to which, Shital committed suicide in the intervening night between 16th April, 2019 and 17th April, 2019.

4. Learned Counsel for the applicant submitted that the allegations as against the applicant are false and baseless. Learned Counsel for the applicant further submitted that the applicant had seen Shital and his brother in a compromising position, pursuant to which he got enraged and assaulted Shital on 16th April, 2019. According to the learned Counsel for the applicant, the applicant called Shital's father on the next date, however, before her father could come, Shital committed suicide by hanging herself in the house. He submits that the presumptions will not apply inasmuch as the incident had taken place after more than 7 years after marriage. Be that as it may, the reasons why Shital committed suicide will be decided by the Trial Court, after evidence is led. All the other co-accused have been enlarged on bail.

5. The Applicant is in custody since 17.04.2019. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the Application is allowed on the following terms & conditions :-

O R D E R

- (i) The Applicant be released on cash bail in the sum of Rs. 15,000/-, 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. 15,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall report to the investigating officer of the concerned Police Station on the first Saturday of every month between 10.00 a. m and 11.00 a.m till the framing of the charge;
- (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 and shall not commit similar offence;
- (v) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The Applicant shall not leave Mumbai without the prior permission of the trial Court;

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

(viii) 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 allowed and disposed of in above terms.

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.]