

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2714 OF 2019

Laxmichand Devraj Gangar] Applicant

Versus

The State of Maharashtra] Respondent

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Mr. Kedar J. Patil, for the Applicant.

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

Mr. Shankar Salunkhe, Police Inspector, Kasurba Marg Police Station.

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CORAM : REVATI MOHITE DERE, J.

DATE : 30th SEPTEMBER, 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.411 of 2019 registered with Kasturba Marg Police Station, Borivali, Mumbai, for the alleged offences punishable under Sections 306, 498 (A) r/w 34 of Indian Penal Code, 1860.

3. Perused the papers. The applicant is the father-in-law of deceased-Nisha. According to the prosecution, Nisha (deceased) got married to Mitesh (applicant's son) on 15th December, 2017 and started residing with her in-laws in her matrimonial home. It is alleged by the complainant-Prafull Morarji Mamniya (Nisha's father) that soon after marriage, Nisha's mother-in-law would harass her on trivial issues and the applicant would also taunt her. It is alleged by the complainant that her in-laws would taunt Nisha saying that her parents had not taught her good manners. Nisha is alleged to have informed about the said harassment to her husband-Mitesh, pursuant to which they decided to stay separately. However, it is alleged that Nisha's in laws did not allow them to stay separately and demanded Rs. 2 Crores if they wanted to stay separately. Nisha's husband Mitesh expressed his inability to pay the said amount, pursuant to which they continued to stay in the same house. On 3rd September, 2019, Nisha committed suicide in her matrimonial house. Before committing suicide, Nisha sent a message on her father's mobile stating therein, that she was not treated well by her in-laws. Nisha's husband Mitesh has been enlarged on bail. Similarly, Nisha's mother-in-law-Nita was granted pre-arrest protection.

4. Learned Counsel for the applicant relied on certain photographs annexed to the application to show that Nisha was happy in her matrimonial home. Be that as it may, whether the applicants harassed Nisha, pursuant to which she committed suicide is a matter, which will be decided by the trial Court. Role of the applicant is similar that of co-accused-Nita. The applicant is in custody since 5th September, 2019. Investigation is completed. Charge-sheet is not filed.

5. Considering the aforesaid, the Application is allowed and the applicant is enlarged on bail on the following terms & conditions :-

:O R D E R :

- (i) The Applicant be released on cash bail in the sum of Rs. 20,000/-, 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. 20,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall not contact the complainant or any of the witnesses concerned to the case;
- (iv) The Applicant shall inform their 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;

- (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;

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.]