

nsc.

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

CRIMINAL BAIL APPLICATION NO.3362 OF 2018

Prashant Dilip Kapade	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Ms.Varsha Palav, i/b The Laureate, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th JUNE, 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.319 of 2018 registered with the Mulund Police Station, Mumbai, for the alleged offences punishable under Sections 304(B), 498A, 306, 323, 504, 506 r/w 34 of the Indian Penal Code.
3. Perused the papers. It is not in dispute that the applicant and the deceased were in love with each other and that they eloped on 1st

August, 2018 and got married on the very same day. The said marriage was an inter-caste marriage and as such it appears that the same was not liked by the applicant's parents who are also co-accused in the said case. It appears that the applicant and the deceased – Arti had informed the Mulund Police Station and had lodged an NC complaint prior to their marriage, as they apprehended some resistance from their respective families as the marriage was an inter-caste marriage. From the prosecution case, it appears that after getting married on 1st August, 2018, the applicant and the deceased – Arti had gone to the applicant's parents house; that the applicant's parents did not permit them to stay in the house but gave them a separate premise to stay, which premises (in the same building i.e. Flat No.408 on the 4th Floor), belonged to the applicant's parents. Admittedly, the incident took place on 19th August, 2018, when deceased – Arti was alone at home. It is not in dispute that neither the applicant's parents nor the applicant were at home, at the relevant time, when the incident took place. Infact, it appears that on 19th August, 2018, the applicant was with his friends at Imagica, a Fun Park, when deceased – Arti committed suicide. The prosecution case rests entirely on circumstantial evidence. According to the complainant, who is the mother of deceased -Arti, the

applicant had demanded a sum of Rs.10,000/- for household expenses from deceased – Arti. A perusal of the statements of Arti's friends i.e. Soni Gupta and Khusboo Bansode does not show that there was demand of any money by the applicant from deceased - Arti's parents. There is no mention of any demand made by either of the witnesses. According to Arti's friends, both the applicant and deceased – Arti were suspicious about each other's character, as a result of which there used to be frequent quarrels between them. It is alleged by the said witnesses, that as the applicant was suspicious about deceased – Arti's character, he would even assault her. It is also alleged that deceased – Arti was suspicious that the applicant was having an affair with one girl, as a result of which there was a quarrel between them. It is not in dispute that the applicant's parents have been enlarged on bail. The prosecution case rests entirely on circumstantial evidence. Charge-sheet is filed. The applicant is in custody since 22nd August, 2018.

4. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 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.

5. The Application is allowed and disposed of in above terms.
6. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.