

Anand

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

BAIL APPLICATION NO. 3390 OF 2018

Dilip Bhanudas Ubale .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Sameer Nangre i/b. Ms Nikita Chutake, Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State
Mr. Shashikant S. Sawant, PI (Retired), Charkop Police Station present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 226 of 2018 registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 306, 498A of the Indian Penal Code.

3. Perused the papers. The Applicant and the deceased – Anita Ubale were married some time in 2003. The Applicant is the son of the Complainant's sister. According to the Complainant – Mr. Gautam

Maske (father of deceased), the Applicant was harassing and ill-treating his daughter – Anita, as she was unable to conceive, even after 15 years of marriage. He has stated that he received a call from his relative – Mr. Keshav Lahane on 07.06.2018 at around 11.30 p. m., who informed him that his daughter has committed suicide at her residence. It is not in dispute that the Applicant was not present in the house at the time of the incident.

4. Learned counsel for the Applicant submitted that taking the prosecution case as it is, no offence punishable under Section 306 of the Indian Penal Code is disclosed qua the Applicant, more particularly, when the marriage had taken place 15 years prior to the date of the incident. Whether or not the offence punishable under Section 306 of the Indian Penal Code is disclosed or not, is a matter which will be decided by the trial Court. The Applicant is in custody since June, 2018. Investigation is complete and charge-sheet is filed.

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

ORDER

(i) The Applicant be enlarged on bail, on executing P. R. Bond

in the sum of **Rs. 20,000/-** with one or two local sureties in the like amount;

(ii) 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.** for a period of 12 months from the date of his release;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) 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;

(v) The Applicant shall co-operate in the conduct of the trial.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)