

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

CRIMINAL BAIL APPLICATION NO.1628 OF 2021

Mr. Nilesh Shatrughna Gaikwad Applicant
Versus
The State of Maharashtra Respondent

Mr. Sharad T. Bhosale, Advocate for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.
Mr. S.B. Barela, API, Bhiwandi City Police Station is present.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd APRIL, 2021
[Through Video Conferencing]

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.334/2020 registered at Bhiwandi City police station, District-Thane on 11.10.2020 under Section 306 of the Indian Penal Code. The Applicant was arrested on 11.10.2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. The FIR is lodged by one Pradip Londhe in respect of suicide committed by his sister Jyoti. Jyoti was married to the Applicant on 30.6.2012. The first informant has stated that, since 2020, the Applicant and Jyoti started residing in Bhiwandi in front of house of the first informant. The informant could see that there was dispute between them and there used to be frequent quarrels. According to the first informant, the Applicant was addicted to liquor and he used to suspect Jyoti's character. On that ground, there used to be frequent quarrels. On 10.10.2020, at about 7:00 p.m., there was again a serious quarrel between the Applicant and Jyoti. Jyoti told her brothers, including the first informant, to intervene as the Applicant was suspecting her character. The informant and his family members went to their house. At that time the Applicant was seen abusing Jyoti. It is mentioned in the FIR that the Applicant took his son Alok with him and went out of the house. Jyoti's daughter Manasi from the earlier marriage was in the house

of informant's mother Kanta. After that, everyone left the place. Jyoti was alone in the house. At about 11:35 p.m., the Applicant came back to his house and tried to open the door. However, the door was locked from inside. The informant and others came there and saw that Jyoti had hanged herself and had committed suicide. The lock was broken and she was taken to hospital but she was declared dead. Initially A.D.R. No.68/2020 at the same police station was lodged. However, subsequently the allegations were made against the Applicant and this FIR is lodged.

3. Heard Shri Sharad Bhosale, learned Counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the State.

4. Learned Counsel for the Applicant submitted that Accidental Death Report No.68/2020 was registered by Jyoti's other brother Balaji Londhe. In that statement there were no allegations that the Applicant was suspecting Jyoti's character and that on that ground there used to be quarrels.

In fact, that statement mentions that the Applicant's parents had come to reside with the couple and two days prior to the incident they had gone back to Ulhasnagar. From that day onwards, there used to be serious quarrels between the Applicant and Jyoti. In that statement, Balaji has categorically stated that he was not aware about the reason of their quarrel. Learned Counsel, therefore, submitted that the story against the Applicant is exaggerated. The couple was married in the year 2012. Therefore, there was no basis to even make allegations that the Applicant was constantly harassing Jyoti.

5. Learned A.P.P. relied on the statements in the charge-sheet to oppose this application.

6. I have considered their submissions and with their assistance I have perused the charge-sheet. Apart from the first informant there are statements of his other family members, namely, Annasaheb Londhe, Jyotsna Londhe, Urmila Londhe and aforementioned Balaji Londhe himself.

In all these statements they have narrated the incident in the same manner as is described in the FIR. In addition, there are two important statements of Jyoti's daughter Manasi from the earlier marriage and the Applicant and Jyoti's son Alok. Both of them have stated that on 10.10.2020 in the evening there was quarrel between the Applicant and Jyoti and at that time the Applicant was under influence of liquor. He was abusing and beating Jyoti making allegations against her character.

7. All these statements do indicate that there was some quarrel between the Applicant and the deceased Jyoti and that perhaps was the cause as to why she has committed suicide. However, the Applicant is already in custody since 11.10.2020. The investigation is over.

8. As rightly pointed by learned Counsel for the Applicant, at the first instance Jyoti's brother Balaji has not made any reference to the Applicant making allegations against Jyoti's character. It appears to be an improvement.

9. Even otherwise, further custody of the Applicant will not serve any purpose. The Applicant does not have criminal antecedents. Therefore, I am inclined to grant bail to the present Applicant. Hence, the following order :

ORDER

- (i) In connection with C.R.No.334/2020 registered at Bhiwandi City police station, District-Thane, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Looking at the prevailing circumstances, it may not be possible to the Applicant to furnish sureties immediately. Therefore, initially the Applicant is permitted to furnish cash bail for the same amount. The Applicant will have to furnish the sureties, as directed, within three months from today.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)