

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2733 OF 2021**

Navnath Namdev Nikam
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Rahul Dhayande for the Applicant.

Mr. H.J.Dedhia, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 7th OCTOBER, 2021

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. 139 of 2020 registered with the Wathar Police Station, Satara, for the alleged offences punishable under Sections 498(A), 304(B), 306 r/w 34 of the Indian Penal Code.
3. Perused the papers. The applicant is the husband of the deceased – Shivani. Their marriage was solemnized on 8th February, 2019.

After marriage, Shivani started residing in her matrimonial house. It is alleged by the prosecution, that the applicant, his mother and brother were ill-treating Shivani, on account of non fulfillment of dowry of Rs.50,000/-. It is alleged that Shivani had disclosed the harassment meted out to her parents. On 20th May, 2020, Shivani delivered a baby and in the intervening night of 16th June, 2020 and 17th June, 2020, Shivani committed suicide by jumping into the well. Pursuant thereto, Shivani's mother lodged an FIR as against the applicant and others alleging the aforesaid offences.

4. Learned Counsel for the applicant submits that the allegations as against the applicant and others are false and baseless. He further submitted that, Shivani was upset as she could not feed the child, as a result of which, she committed suicide. He submits that after the baby was born, as Shivani was unable to feed her baby, the applicant tried to provide medical treatment for the same.

5. The prosecution case rests on circumstantial evidence. The applicant is in custody since 19th June, 2020. Investigation is complete and chargesheet is filed. Whether or not, Shivani committed suicide as she was upset, because she was unable to feed the baby or because of the

harassment meted out to her, is a matter which will be decided by the trial Court, during trial. The other co-accused in the said case have been released on bail. Considering the aforesaid, further detention of the applicant is not warranted.

6. Accordingly, 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 executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon, for a period of 12 months from the date of his release, except if the date in the trial Court falls on a Saturday;
- (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, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

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.