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

CRIMINAL BAIL APPLICATION NO.1672 OF 2019

Sagar Vilas Suryawanshi

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr Aniket U. Nikam i/b Mr. Vivek N. Arote, for the Applicant.

Ms. S. V. Sonawane, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th MARCH, 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. 74 of 2019 registered with the Shikrapur Police Station, Pune Rural, for the alleged offences punishable under Sections 306 and 498A of the Indian Penal Code ('I.P.C'). It appears that subsequently Section 304B of the Indian Penal Code, came to be added.
3. Learned Counsel for the applicant submits that admittedly the applicant was not in the house at the time when his wife (deceased)

committed suicide. He submits that the complaint was filed belatedly after 3 days of the incident i.e. on 12th February 2019. He submits that the demand alleged by the complainant cannot be said to be a dowry demand.

4. Learned APP opposed the application.

5. Perused the papers. Deceased – Poonam is the wife of the applicant. According to the complainant – Avinash Bhimaji Kejale (father of the deceased), the applicant and the deceased were known to each other prior to their marriage. He has stated that the applicant and Poonam got engaged in October 2018 and thereafter they got married on 31st December 2018. He has stated that on two occasions when Poonam had come to meet them, she disclosed that the applicant would quarrel with her for petty reasons, would abuse her and that on one occasion, he also asked her to bring money from her parents, as he had taken money from some persons and had to return of the same. It is alleged that the demand was for Rs.50,000/-. Poonam committed suicide on 9th February 2019 when she was alone in her matrimonial house by hanging herself. Admittedly, the applicant was not present in the house. From the neighbour's statement, it appears that the applicant broke open the door. Whether or not an offence under Section 304B of the I.P.C is made out or not, is a matter which will

be decided by the trial Court. Investigation is complete and charge-sheet is filed. The applicant is in custody since 24th February 2019 and as such his further detention is not warranted.

6. 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 two local 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, until further orders;
- (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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

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

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or if the applicant fails to appear before the trial Court, or there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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.