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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3023 OF 2021

Rohit Kashinath Shinde
Versus
The State of Maharashtra

...Applicant
...Respondent

Mr. U.R. Mankapure for the Applicant.

Ms. P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 15th SEPTEMBER, 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. 199 of 2021 registered with the Kavathemahankal Police Station, Sangli, for the alleged offences punishable under Sections 306, 504, 506 of the Indian Penal Code.
3. Deceased – Kareena committed suicide by hanging herself, at her maternal house in the intervening night of 11th May, 2021 and 12th May,

2021. Accordingly, the Police registered an A.D. The body was sent for post mortem and after conducting the post mortem, was cremated. When the A.D. was registered, admittedly, no allegations were made by anyone, as against the applicant. It appears that subsequently, i.e. on 14th May, 2021, an FIR was registered at the instance of deceased Kareena's mother - Rihana Patel. According to the complainant, Kareena was married to one Tokhib Shaikh in September, 2016. It is further stated that initially, Kareena stayed with her husband at Karnataka and thereafter, returned to her matrimonial house. It is alleged that after two years of marriage, Kareena's husband found some chits and mobile conversation between the applicant and Kareena and hence brought her back to her parent's house. According to the complainant, the applicant frequently visited their house to meet Kareena and would harass her. It is alleged that though the applicant was asked to distance himself from Kareena, he continued to harass her. According to the complainant, Kareena committed suicide because of the harassment meted out to her by the applicant.

4. Learned Counsel for the applicant submits that taking the prosecution case as it stands, no offence under Section 306 of the Indian Penal Code is made out, as against the applicant. He submits that although the complainant has alleged that certain threatening letters were written by

the applicant to the deceased, no such letters have been produced in the chargesheet. He submits that neither any suicide note has been written by the deceased. The statement of Kareena's husband shows that Kareena was friendly with the applicant. He has further stated that the applicant had on one occasion, stayed with them for 1/2 days. According to Kareena's husband, in 2019, he found a mobile with Kareena which had photos of Kareena and the applicant and also chits written by the applicant to Kareena. He has stated that when he took Kareena to her parents place and disclosed the same, Kareena's brother tore the chits. Kareena is alleged to have told that the applicant was harassing her. Whether or not an offence under Section 306 of the Indian Penal Code is made out or not, is a matter which will be decided by the trial Court. Investigation is complete and chargesheet is filed. In the peculiar facts, further detention of the applicant is not warranted.

6. Considering the aforesaid, the applicant has *prima facie*, made out a case for grant of bail. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 20,000/-, for a period of eight weeks;

(ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;

(iii) 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;

(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;

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

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

REVATI MOHITE DERE, J.