

Nisha S.  
Chitnis

Digitally signed by  
Nisha S. Chitnis  
Date: 2021.01.22  
14:46:08 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 3373 OF 2019**

Deepak Sahebrao Shirsath

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Priyal Sarda for the Applicant

Mr. S.V.Gavand, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE, J.**  
**THURSDAY, 21<sup>ST</sup> JANUARY 2021**

**P.C. :**

1            Heard learned counsel for the applicant and the learned A.P.P  
for the State.

2            By this application, the applicant seeks his enlargement on bail  
in connection with C.R. No. 13 of 2019 registered with the Sinhagad Police  
Station, for the alleged offences punishable under Sections 306, 323, 504  
and 506 of the Indian Penal Code.

3            Perused the papers. According to the complainant - Abhiman  
Gaikwad (brother of deceased – Rohini), the applicant used to ill-treat,  
abuse and assault his sister – Rohini. It is also alleged by the complainant

that the applicant had an extra-marital affair with one Jyoti, on account of which, there used to be frequent quarrel between the applicant and Rohini. It is alleged that due to the ill-treatment meted out by the applicant, Rohini committed suicide on 03/01/2019 by hanging herself. Learned Counsel for the applicant submitted that the allegations as against the applicant are false and baseless and that the applicant has not in anyway abetted the suicide of Rohini. Learned Counsel for the applicant submits that in the facts, Section 306 of the IPC will not be attracted. Whether or not an offence is made out under Section 306 is a matter which will be decided by the Trial Court. The applicant is in custody since January, 2019. Investigation is complete and chargesheet is filed and as such, further detention of the applicant is not warranted.

4. Considering the aforesaid, the applicant deserves to be 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 Sunday of every month between 10:00 a.m. to 12:00 noon till the conclusion of the trial;

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

(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 is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's

bail.

(viii) The application is allowed in the aforesaid terms and is accordingly disposed of.

5. 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.

6. All concerned to act on the authenticated copy of this order digitally signed by the Personal Assistant of this Court.

**REVATI MOHITE DERE, J.**