

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1137 OF 2021

Sachin Vitthal Phadke ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Rahul S. Thakur a/w. Mr. Sanket Thakur for Applicant.
Ms. Geeta Mulekar, APP for Respondent-State.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 12, 2022

P.C. :

The applicant came to be arrested on 06.10.2020 in Crime No. 396 of 2020 registered with Uran Police Station for offences punishable under Sections 306 and 506 of the Indian Penal Code. The applicant is already charge-sheeted.

2. The prayer for bail is opposed by the learned APP only on the count that the mobile phone of the deceased contains an audio file and the dialogues recorded therein can be considered as incriminating material against the applicant.

3. If the aforesaid submissions are appreciated then what can be noticed is that the mobile phone of the deceased was seized by the investigating officer after a lapse of three months for which there is no convincing explanation. Apart from the above, the fact remains that the alleged conversation in the mobile phone is in a file which is in the name of some third person and not the applicant. During the investigation, statement of minor daughter of the deceased was recorded which in categorical terms speaks of the acquaintance of the applicant with the entire family viz. husband of the deceased, the brothers of the

deceased, etc. As such, it cannot be said that the material placed on record *prima facie* demonstrates that the fact about the commission of suicide by the deceased because of act of applicant was within the knowledge of the applicant.

4. In view of the above, the application stands allowed. The applicant is directed to be released on bail in Crime No. 396 of 2020 registered with Uran Police Station for offences punishable under Sections 306 and 506 of the Indian Penal Code on executing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount. Applicant shall neither directly or indirectly try to influence the prosecution witnesses nor tamper with the evidence. Applicant shall attend the trial regularly. The Director, Forensic Science Laboratory shall expedite the submission of analysis report of the mobile data before the Court below, in any case within a period of four months.

(NITIN W. SAMBRE, J.)

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