

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

**INTERIM APPLICATION NO.3242 OF 2022
IN
CRIMINAL APPEAL NO.965 OF 2022**

Tushar Balkrishna Nevase Applicant

versus

State of Maharashtra Respondent

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- Mr. Rahul K. Dhayagude, Advocate for Applicant.
- Mr. P. H. Gaikwad, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 30th SEPTEMBER, 2022**

P.C. :

1. This is an application for bail pending final disposal of Criminal Appeal No.965 of 2022 preferred by the Applicant. The Applicant was convicted by the Additional Sessions Judge, Satara, vide his Judgment and Order dated 07/09/2022 passed in Sessions Case No.159 of 2019. He was convicted for the offence u/s 498-A and 306 of the Indian Penal Code. The major punishment imposed on him was for three years besides

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imposition of fine. There were other three accused i.e. parents and brother of the Applicant. They were acquitted.

2. Heard Mr. Rahul K. Dhayagude, learned counsel for the Applicant and Mr. P. H. Gaikwad, learned APP for the State.
3. Learned counsel for the Applicant submitted that there is no evidence against the Applicant. Allegations are vague. Other co-accused who are similarly placed, are acquitted. The sentence is short. The Appeal is not likely to be heard within a reasonable time. Therefore the bail should be granted to him.
4. Learned APP opposed this application. He submitted that the offence is serious and the sentence is on lower side.
5. I have considered these submissions. The deceased had got married with the Applicant on 20/06/2016. She delivered a baby girl and after a few days she committed suicide by jumping in front of a running train on 06/09/2018. The allegations are that the Applicant had taken a hand loan for his medical shop

and he was asking the deceased to bring Rs.3 lakhs from her parents, who were not in a good financial condition. Therefore she had refused. But all the accused continued harassing her, leading to her commission of suicide. The evidence reflected in the judgment shows that the allegations were made against all the accused of ill-treatment and yet other three accused were acquitted. This will have to be decided during final hearing in respect of conviction of the Applicant. The Applicant was on bail during trial and there are no allegations that he had misused the same. Learned trial Judge has granted him bail u/s 389(3) of Cr.PC. even after his conviction. The Appeal is not likely to be decided within three years and therefore the Applicant can be granted bail during pendency of his Appeal.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.965 of 2022, the Applicant is directed to be released on bail on his

furnishing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.

- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)