



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

BAIL APPLICATION NO.649 OF 2023

BHAGWATILAL AMARCHAND JAIN ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Namrata A. Kadam i/b. Adv. Amar Bhatt for the
applicant.

Mr. P. H. Gaikwad, APP for the State.

PSI Atmaram Kadam, Wadala T. T. Police Station.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 25, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 306, 498-A read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.570/2022 with Wadala T. T. Police Station.
3. The applicant married the victim on 21/2/2000. It is the allegation that the applicant was ill-treating the victim.
4. Learned APP invited my attention to the statement of the son of the victim who is 13 years of age. In his

statement, it is alleged that the applicant was always quarreling with the victim and at times slapped her. A day prior to the incident, according to the child witness, the applicant had quarreled with the victim. The victim consumed poison which resulted in her death.

5. Learned APP while opposing the application for bail heavily relied upon the statement of the child witness. However, considering the nature of the accusations, in the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail.

6. The investigation is complete. The charge-sheet has been filed. No doubt, there are allegations of harassment. However, the question whether there is direct or indirect acts of incitement to the commission of offence in a matter for trial. I do not wish to make any observations on merits of the materials.

7. The applicant is in custody from 28/7/2022 almost for one year with no possibility of trial concluding any time soon. There is nothing to indicate that the applicant is a flight risk. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Bhagwatilal Amarchand Jain in connection with C.R. No.570/2022 with Wadala T. T. Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Wadala T. T. police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

8. The application is disposed of.

(M. S. KARNIK, J.)