

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1309 OF 2022**

Shekhar Shivaji Kamble

..Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Rakesh Kumar Saroj – Advocate for Applicant.

Mr.H.J.Dedhia – APP for the Respondent – State.

Mr.Anil Jadhav – PSI – Khadakpada Police Station.

CORAM : S. M. MODAK, J.

DATED : 7TH JUNE 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for Respondent-State.

2. The Applicant is charge-sheeted for causing dowry death of his wife. He was harassing her on account of demand of money. The marriage is held on 15th May, 2016 and last incident took place on 8th March, 2021. She has strangulated herself in the matrimonial house. When it was informed to her father, he lodged the complaint with Khadakpada Police Station and accordingly, an offence under Sections 498-A, 304-B, 323, 506 read with 34 of Indian Penal Code, 1860 [“IPC”] came to be registered. Other Accused are his relatives. They have been granted bail.

3. Learned APP submitted that there are serious allegations in the FIR and it is supported by the statement of the relatives. The allegation mentions that the present Applicant was demanding money as he was required to incur the medical expenses on account of ailment of his wife. Furthermore, there is an allegation that during the marriage, certain articles were gifted and not the gold. There is further allegation that the Applicant used to consume liquor and one incident took place during marriage of his brother-in-law Roshan. At that time, he insisted for payment of Rs.6000/- and it was paid and learned APP pointed out that there are documents to show that payment is made through google pay.

4. It is true that during investigation, Police have collected various documents which suggest that the deceased was suffering from certain ailment.(Relevant pages are from Page No.60 onwards). She was suffering from Ovarian Abscess with Sepsis. (Page No.67). Even the First-Informant mentions that there was some problem during the first pregnancy and certain operation was performed. Subsequently, the deceased gave birth to a daughter.

5. It is true that it is not the Prosecution case that during their cohabitation, any complaint was either made to the Police or certain

meeting was conducted wherein the Applicant was asked to improve his behaviour. Charge-sheet is also filed and Applicant is behind bar since 2021. Prior to the arrest, he was working at the Collector Office as Peon. One does not know when the trial will start. Hence, he is entitled to be released on bail. Hence, order :-

O R D E R

- (i) Application is allowed.
 - (ii) Applicant Shekhar Shivaji Kamble be released on bail in connection with C.R. No. 74 of 2021 registered with Khadakpada Police Station–Thane on furnishing personal bond and surety bond of Rs.25,000/-.
 - (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
 - (iv) Applicant to attend the trial Court punctually.
 - (v) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.
6. These are my prima facie observations. Let the learned trial Court need not be influenced by them.
7. Application is disposed of in the aforesaid terms.
8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]