

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2023.01.11
17:07:23 +0530

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

BAIL APPLICATION NO. 2079 OF 2022

Shravan Dashrath Jaiswal ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Angad More a/w Mr. Akhilesh Singh, for the Applicant.
Mr. S. H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 11, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of C.R.No. 14 of 2022 dated 17/01/2022 registered with Central Police Station, Ulhasnagar for the offence punishable under sections 498-A, 306, 323 of the Indian Penal Code, 1860 ("IPC", for short).
- 3.** Ragini married the applicant some time in the year 2016. Ragini alleged that the applicant was ill-treating her and assaulting her. The applicant is the father of 2

children. One is 4 years old son and the other is 1.5 years old daughter. It is alleged that Ragini's sister Soni was residing with Ragini and the applicant. Ragini married the applicant against the wishes of her family. 2 or 3 years post marriage, Ragini tried to establish contact with her brother (complainant) and told him that she is facing ill-treatment from the applicant. Her brother, however, said that Ragini has taken a decision to marry the applicant against the wishes of the family members and therefore the family members should not be involved in these matters. Even on the date of the incident, Ragini's brother took away her sister (Soni) with him. Ragini in her dying declaration alleged that she was assaulted by the applicant and as a result of the ill-treatment, she has no other option but to end her life. The incident is dated 16/01/2022. The applicant was arrested on 17/01/2022. The investigation is complete. The charge-sheet has been filed. Though there are allegations by deceased Ragini about the ill-treatment and harassment, whether the same would be sufficient to satisfy the ingredients of section 306 of the IPC is the

subject matter of the trial. The applicant is in custody almost for 1 year. The trial is not likely to conclude any time soon. Even the charge has not been framed. There are no criminal antecedents reported against the applicant. The applicant has 2 minor children who were residing with the couple at the time of incident. There is no possibility of the applicant tampering with the evidence. The applicant therefore can be released on bail. Hence, the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant- Shravan Dashrath Jaiswal in connection with C.R. No. 14/2022 dated 17/01/2022 registered with Central Police Station, Ulhasnagar shall be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/-with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 4 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

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

(f) The applicant shall attend the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

5. The application is disposed of.

(M. S. KARNIK, J.)