

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2105 OF 2022**

Vikas Balu Sahane ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. S.T. Pandey a/w Ms Angela Singh a/w Ms Anima Mishra a/w
Mr. Anuj Singh a/w Ms Ritu Singh a/w Ms Kajal Upadhyay i/b SBG Law
for the Applicant.

Ms Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 10 JANUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 160 of 2021 registered at Sinnar police station for the offences punishable under Sections 306, 498-A read with 34 of the Indian Penal Code and Sections 9, 10, 11 of Child Marriage Restraint Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. The deceased Savita and the deceased Sakshi were mother and daughter. The main allegations are against the co-accused Subhas Pavse,

the husband of the deceased Savita. According to the complainant, who is the brother of the deceased Savita the co-accused Subhas Pavse was addicted to liquor, was having an extra-marital affair and thus used to ill-treat the deceased Savita. It is alleged that he against the wishes of all his family members had compelled his daughter, the deceased Sakshi to marry the present applicant even though she was minor. It is alleged that the present applicant and his family members had ill-treated the deceased Sakshi on trivial issue. It is alleged that both the deceased thus got fed up with the ill-treatment and committed suicide.

5. If according to the complainant the deceased Sakshi was minor at the time of her marriage with the present applicant, then it is not understood as to why the report was not lodged at that time. The allegations of ill-treatment against the applicant are of general in nature. The applicant is in jail for more than one and half years. Considering overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 160 of 2021 registered at Sinnar police station for the offences punishable under Sections 306, 498-A read with 34 of the Indian Penal Code and Sections 9, 10, 11 of Child Marriage Restraint Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)

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signed by
MANGALTAI
JAYWANT
JADHAV
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