

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

CRIMINAL BAIL APPLICATION NO. 3810 OF 2022

Vijay Dagdu Zine	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Rahul Arote for the Applicant.
Ms. Pallavi N. Dabholkar for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th AUGUST 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 196 of 2022 registered with Shreenagar Police Station for offences punishable under Sections 498-A, 306 of Indian Penal Code 1860 (for short "IPC").

2. It is prosecution's case that, complainant is brother of deceased. The deceased was working as Police Naik in Shreenagar Police Station. The applicant is her husband and out of their wedlock they have two daughters. It is alleged that, applicant used to

frequently quarrel with deceased. The complainant used to pacify the applicant, due to this frequent quarrel deceased was under stress and she used to keep her daughter's with her mom at Ambika Nagar while leaving for duty and used to pick them while returning home. It is further alleged that, applicant used to suspect on the character of deceased, on that reason he used to harass and beat her regularly but to keep family relations, no complaint was lodged by deceased with police.

3. It is further alleged that on 16th August, 2022 Sanskruti, the daughter of deceased had stated that, on 15th August, 2022 when her mother i.e. deceased had come to home after finishing her duty, applicant abused her and did not allow her to prepare food because of that they slept without taking meal. Sanskruti further told that, in whole night applicant was quarreling with her mother. The police had come to their house at about 2:00 p.m. and took all of them to police station. There complainant come to know that his sister Anita Vavhal had committed suicide in ladies room of police station. The complainant has alleged that, his sister has committed suicide due to constant abusing and beating by the applicant as well as applicant was taking doubt on her character and he is responsible for the death of

his sister. On the basis of his complaint police registered offence against applicant. The investigation has been completed and police has filed charge sheet against the applicant.

3. It is contention of learned counsel for the applicant that, no complaint was filed against the applicant earlier to the incident of suicide by the deceased. Applicant has been falsely implicated in this case. Deceased was working in Police Department therefore there was no impediment for her to register complaint against the applicant for torture and harassment. Marriage period between applicant and deceased was 17 years. Constant quarrel between an applicant and deceased, cannot be a ground for abetment suicide. The trial is not likely to be commenced in near future. Indefinite incarceration of the applicant in custody would serve no fruitful purpose. The applicant has roots in the society. Hence, requested to allow the application.

4. Learned APP submitted that, applicant used to suspect on character of deceased and on that basis he used to beat and harass the deceased regularly. In their statement daughters of the deceased have stated that applicant would harass and beat the deceased regularly, because of said continuous harassment deceased has committed the suicide. The applicant is responsible for said suicide.

The own daughters of applicant have deposed against him. It shows prima facie case against the applicant. If the applicant is released on bail he may influence on the prosecution witnesses or he may abscond and trial may be delayed. Hence, requested to dismiss the application.

5. I have heard both learned counsel.

Admittedly, marriage between applicant and deceased was performed 17 years prior to the date of incident, no complaint of harassment or torture was lodged against the applicant, prior to the incident. Whether deceased has committed suicide due to torture and harassment of applicant or not is part of trial. Applicant is in jail for more than one year. Investigation of present case is completed and charge sheet has been filed. The applicant has roots in the society.

6. In view of above, I pass following order.

ORDER

(i) Application is allowed.

(ii) Applicant – Vijay Dagdu Zine be enlarged on bail in Crime No. 196 of 2022 registered with Shreenagar Police Station on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like

amount.

(iii) Applicant shall not enter district Thane, where applicant's daughters are staying, till the conclusion of the trial, except attending Court dates he shall not make phone calls to his daughters.

(iv) Applicant shall attend the concerned police station once in a month i.e. on first Saturday in between 11:00 a.m. to 2:00 p.m. till framing of charge.

(v) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(vi) Applicant shall not influence or contact the complainant, witnesses or any person concerned with the case.

(SHIVKUMAR DIGE, J.)