

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3415 OF 2023

Shekhar Balu @ Balasaheb Gaikwad ... Applicant
V/s.

The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.4100 OF 2023

Shekhar Balu @ Balasaheb Gaikwad ... Applicant
V/s.

The State of Maharashtra ... Respondent

Mr. Ashok B. Tajane with Yuvraj A. Tajane, for the Applicant.
Mr. Pandurang Gaikwad-Patil, APP, for the Respondent/State.

CORAM : ANIL S. KILOR, J.

DATE : 25TH JUNE, 2024.

PC:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.35 of 2023, registered with Valsang Police Station for the offences punishable under Sections 406, 498(A), 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short, 'IPC').

3. Learned counsel for the applicant submits that the applicant is in jail from last about 16 months. Considering the fact that charge-sheet has been filed, further custody of the applicant is not necessary. On the point of incarceration, he has placed reliance on the judgment of the Hon'ble Supreme Court of India in the case of '*Naval Dipakkumar Thakkar vs. State of Gujarat and Anr.*'¹. He further points out that the other co-accused have released on bail. The learned counsel further argues that there is no progress in the trial and till date, even charge is not framed. He further submits that there is no possibility that trial would be concluded in near future.

4. Learned APP has strongly opposed the application and submits that there was a ill treatment meted out to the deceased which forced her to commit suicide. It is submitted that sufficient evidence has been collected by the IO and as such it is prayed that this application may be rejected.

5. Having considered the material collected by the IO during the investigation, it is evident that serious allegations are against the applicant about the cruelty and the ill treatment meted out by him to the deceased. It is alleged that he assaulted the deceased and tortured her. There was an ill treatment on the ground that the deceased wanted to become teacher. The applicant used to tell the deceased that if she wants to become a teacher, bring Rs. 10 lakhs from her father. Further, there was an ill treatment on the ground that applicant married her so that she could be forced to work in the agriculture field.

1 (2023) SCC online SC 1311

6. Thus, considering the allegations made in the FIR and incriminating material collected by the IO, I am of the opinion that this is not a case to grant bail. Accordingly, it is rejected.

7. Liberty is granted to the applicant to move after 9 months in case if there is no progress in the trial.

(ANIL S. KILOR, J)