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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 315 OF 2024

Sagar Sahebrao Chavan

...Applicant

*Versus*

The State of Maharashtra

...Respondent

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Mr. Kuldeep U. Nikam, Advocate for the Applicant.

Ms. S.S. Kaushik, APP for the Respondent-State.

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CORAM : MADHAV J. JAMDAR, J.

DATED : 30th JANUARY 2024

**P. C.**

1. Heard Mr. Nikam, learned Counsel appearing for the Applicant and Ms. Kaushik, learned APP appearing for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

|                                   |                                                                          |
|-----------------------------------|--------------------------------------------------------------------------|
| 1. C. R. No.                      | 607 of 2023                                                              |
| 2. Date of registration of F.I.R. | 24th September 2023                                                      |
| 3. Name of Police Station         | Sinnar, District-Nashik                                                  |
| 4. Section/s invoked              | 306, 304-B, 498-A, 342, 406, 323, 504 and 34 of I.P.C., 1860             |
| 5. Date of incident               | on the intervening night of 21st September 2023 and 22nd September 2023. |
| 6. Date of arrest                 | 24th November 2023                                                       |
| 7. Date of filing Charge-sheet    | 25th November 2023                                                       |

3. As per the prosecution case, the deceased died by suicide on the intervening night of 21st September 2023 and 22nd September 2023. The allegation is that a demand for dowry was made by the Applicant. The Applicant and other accused were not allowing the deceased to visit her parental residence. The deceased was not allowed to talk on cellular phone and she has not been allowed to use separate cellular phone. The Applicant used to forcibly confine the deceased in their matrimonial house by locking the same when he used to go out for his work.

4. It is the contention of Mr. Nikam, learned Counsel appearing for the Applicant that investigation has been completed and that Charge-sheet has been filed on 25th November 2023. He submitted that considerable time will be required for conclusion of trial. He further submitted that except for the statement of family members of the deceased, there is no statement by any outsiders supporting the case of the prosecution.

5. Mr. Nikam, learned Counsel appearing for the Applicant has relied on the decision of the Supreme Court of India in the case of ***Bhagwan Das v. Kartar Singh***<sup>1</sup>. He relied on paragraph no. 15 of the said judgment, which reads as under:

*"15. In our opinion the view taken by the High Court is correct. It often happens that there are*

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1 (2007) 11 SCC 205

*disputes and discords in the matrimonial home and a wife is often harassed by the husband or her in-laws. This, however, in our opinion would not by itself and without something more attract Section 306 IPC read with Section 107 IPC."*

6. On the other hand, Ms. Kaushik, learned APP strongly opposed the Bail Application. She submitted that the deceased was not even allowed to use a mobile phone. She used to be confined in her matrimonial house by the Applicant. A demand for dowry was made and therefore the Applicant does not deserve to be enlarged on bail.

7. Perusal of the Charge-sheet and statements annexed thereto show that the incident had occurred on the intervening night of 21st September 2023 and 22nd September 2023. The F.I.R. was lodged on 24th September 2023. The Applicant was arrested on 24th September 2023. The investigation has been completed and Charge-sheet has been filed on 21st November 2023. As per the Charge-sheet, there are about 20 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

8. Mr. Nikam, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within Taluka-Malegaon and Taluka-Sinnar, District-Nashik and that the Applicant will reside outside the said area i.e. at his uncle's residence C/o. Gorak Shravan Chavan, N/52, AH/2/11/4, Pavan Nagar, Near

Merchant Bank, C.I.D.C.O., Nashik, District- Nashik.

9. The Applicant does not appear to be at risk of flight.
10. The Applicant does not have any criminal antecedents.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

**ORDER**

(a) The Applicant-Sagar Sahebrao Chavan be released on bail in connection with C. R. No.607 of 2023 registered with the Sinnar Police Station, Taluka-Sinnar, District-Nashik on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the Malegaon and Sinnar Taluka, District-Nashik after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.

(c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall report to the Ambad Police Station, District-Nashik once every month, on first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the

trial. The Police Inspector of Ambad Police Station, District-Nashik to communicate details thereof to the Investigating Officer.

(e) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

**[MADHAV J. JAMDAR, J.]**