

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.782 OF 2024

Dinesh Shreeram Patil Applicant

V/s.

The State of Maharashtra Respondent

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Mr.Ashok Mundargi i/b Mr.Anusha Pradhan Jaibhave, for the
Applicant.

Mr.Kiran C. Shinde, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd MAY 2024

P.C:-

. By this Application, Applicant is seeking bail in
C.R.No. 706 of 2022 registered with Manpada Police Station,
Mumbai for the offence punishable under Sections 498A, 306,
377, 323 read with Section 34 of Indian Penal Code (for short
“IPC”).

2. It is prosecution case that since 2008 till 11th
September 2022, the Applicant-Accused, being husband, along
with his relatives co-accused assaulted, harassed and ill-treated the

deceased on account of suspecting her character. So also Applicant-Accused used to demand unnatural sexual favour from her. The deceased was fed up by the physical and mental cruelty of the Applicant, due to which deceased committed suicide by hanging herself in her matrimonial house. On the report of the father of the deceased, crime came to be registered against the Applicant-Accused and other co-accused.

3. It is contention of the learned counsel for the Applicant that, the Applicant has been falsely implicated in this case. In the alleged suicide note there is no mention of demand of unnatural sex by Applicant. The statement of daughter of the deceased is recorded by the police. She has not supported the case of the prosecution. From the statement's of neighbors it reveals that the deceased was living happily married life with the Applicant. The learned counsel further submitted that investigation is completed and charge-sheet has been filed. The Applicant is behind bar more than 1 year and 7 months. Hence, requested to allow the Application.

4. It is contention of the learned APP that, the

Applicant and co-accused used to harass the deceased on suspecting her character. They used to beat her. The learned counsel further submitted that on trafficking reasons, the Applicant would assault the deceased and he was demanding unnatural sex from the deceased. She was fed up by the act's of the Applicant. The Applicant used to give money to his mother, father and relatives, the deceased was opposing it on that ground the Applicant would assault the deceased. Due to mental and physical torture by the Applicant the deceased committed suicide. The daughter of the deceased has stated about ill treatment given by the Applicant to the deceased. There is *prima facie* case against the Applicant, if Applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. The allegations against the Applicant are that he along with co-accused used to suspect on character of the deceased and used to beat her. The suicide note is part of charge-

sheet. In the suicide note it is mentioned that her mother-in-law, father-in-law and relatives were continuous demanding money from her husband and her husband i.e. Applicant used to give them money. Applicant had harassed mentally and physically to the deceased. In the suicide note it is not mentioned about demand of unnatural sex by the Applicant, as alleged in the complaint. Investigation is completed and charge-sheet has been filed. The Applicant is behind bar more than 1 year and 7 months. Considering these facts, further detention of the Applicant is not required and I pass following order.

ORDER

- (i) Applicant-Dinesh Shreeram Patil be enlarged on bail C.R.No. 706 of 2022 registered with Manpada Police Station, Mumbai, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) 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.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)