



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1999 OF 2023**

Bharatsingh Achalsingh Bolat	...	Applicant
versus		
The State of Maharashtra	...	Respondent

WITH
INTERIM APPLICATION NO.2924 OF 2023
IN
BAIL APPLICATION NO.1999 OF 2023

Arjun Singh Hari Singh Rathore	...	Intervener/Applicant
and		
Bharatsingh Achalsingh Bolat	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Chandan with Mr. Pattebahadur, Mr. Keshaw Chavan, for Applicant.
Mr. S.R.Agarkar, APP for State.
Mr. Saurabh Patil, for Intervener in IA 2924 of 2023.
Mr. Vinod Gaonkar, PI Khar Police Station with PSI Jamadar, Santacruz Police Station
present

CORAM: N.J.JAMADAR, J.

DATE : 8 FEBRUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.542 of 2021 registered with Santacruz Police Station for the offences punishable under Sections 304B, 498A, 306, 506, 504, 323 read with Section 34 of the Indian Penal Code.
3. Suman, the deceased, was the daughter of the first informant. Her

marriage was solemnized with the applicant on 30 April 2021. The deceased died by suicide on 18 December 2021 at Juhu where she was cohabiting with the applicant. The first informant lodged a report with the allegations that the applicant and his relatives were subjecting the deceased to cruelty in order to coerce her to meet the unlawful demand of property. The applicant had allegedly demanded dowry, a four wheeler and other articles and upon failure of the first informant to meet the said demands, the deceased was subjected to physical and mental cruelty.

4. Learned Counsel for the Applicant submitted that in fact, the deceased was suffering from mental ailments. She was in a state of depression. The said fact was suppressed from the applicant. Attention of the Court was invited to the transcript of the conversation between the applicant and the deceased, few days prior to the alleged occurrence.

5. Learned APP resisted the prayer for bail. It was submitted that the deceased was suffering from depression is a matter for adjudication at the trial.

6. Learned Counsel for the first informant submitted that there are transcript of the conversation between the applicant and the deceased which lend credence to the prosecution version.

7. I have perused the report under Section 173 of the Code of Criminal Procedure, 1973 and the documents annexed with it. Prima facie, it appears that the genesis of the offences is in some sort of marital incompatibility. The transcript of the

conversation between the applicant and deceased which is placed on record by the applicant does not indicate that as late as a week before the alleged occurrence, there was any strain between the applicant and the deceased. Spousal cordiality is, prima facie, evident.

8. In any event, the applicant is in custody since December 2021. Investigation is complete for all intent and purpose. Chargesheet has been lodged. Further detention of the applicant does not seem to be warranted. I am, therefore, inclined to exercise the discretion in favour of the Applicant.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Bharatsingh Achalsingh Bolat be released on bail in C.R.No.542 of 2021 registered with Santacruz Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at Santacruz Police Station on first Monday of alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial.

(iv) The applicant shall not tamper with the prosecution evidence. 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 him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) Interim Application No.2924 of 2023 also stands disposed

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(N.J.JAMADAR, J.)