



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

CRIMINAL BAIL APPLICATION NO.3289 OF 2023

Gokul Vasant Bodake	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Babita P. Pandey a/w. Mr. Dinesh R. Sonawane, for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 12th JANUARY 2024**

P.C. :

1. Heard Ms. Pandey, learned Counsel appearing for the Applicant and Ms. Mhatre, learned APP appearing for the Respondent-State.
2. This is a regular Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973* by the Applicant-Accused No.1.
3. The relevant details are as follows:-

1	C.R. No.	258 of 2023
2	Date of Registration of F.I.R.	03/06/2023
3	Police Station	Nashik City Police Station, District Nashik
4	Sections Applied	306, 498A, 323, 504, 506 r/w. 34 of I.P.C., 1860

5	Date of Incident	03/06/2023
6	Date of Arrest	03/06/2023
7	Date of filing of Chargesheet	29/07/2023

4. As per the prosecution case, marriage between the Applicant and the deceased was solemnized on 30th April 2017. However, it is the contention of learned Counsel appearing for the Applicant that the marriage was solemnized on 29th April 2016.

5. The main allegation against the Applicant is that the Applicant who is the husband of the deceased and the Accused Nos.2 to 4 i.e. father-in-law, mother-in-law and brother-in-law of the deceased were demanding a dowry from the deceased. It is the prosecution case that as the said demand for a dowry had not been fulfilled because of which the deceased was harassed by the Accused.

6. Another allegation was that the Applicant was having a relationship outside of marriage with some other woman and as the deceased was questioning the Applicant about the said relationship, there used to be frequent quarrels between the Applicant and the deceased. At that time, the deceased used to be assaulted by the Applicant and other family members used to come out in support of the Applicant.

7. The Applicant and the deceased are having a child aged 5 years. The child's statement regarding the incident in question shows that there was a quarrel between the Applicant and the deceased and therefore the Applicant left the house and thereafter the deceased was found hanging in the residence. The post-mortem examination report shows that the cause of death is due to hanging.

8. Ms. Shinde, learned APP opposed the bail on the ground that the offence is of serious nature and there is evidence to support the same.

9. It is an admitted position that the investigation has been completed and the Charge-sheet has been filed on 29th July 2023. There are a total of 19 witnesses. There are a total of 4 Accused and other 3 Accused have been enlarged on bail. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The present Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be a flight risk.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

(a) The Applicant-Gokul Vasant Bodake be released

on bail in connection with C.R. No.258 of 2023 registered with the Nashik City Police Station, District Nashik on his furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount.

(b) After 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 there is any change.

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

(d) 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/her from disclosing the facts to Court or any Police Officer.

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

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

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

12. The Bail Application is disposed of.

[MADHAV J. JAMDAR, J.]