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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4137 OF 2023**

RUPESH RAMESH PATIL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. R. D. Suryawansi for the applicant.

Ms. S. D. Shinde, APP for the State.

Mr. Pramod P. Deore, Padgha Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 25, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 498-A, 306, 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 16.05.2023 vide C.R. No.I-328 of 2023 with Padgha Police Station.

3. The earlier Bail Application No.2340 of 2023 filed by the applicant was allowed to be withdrawn with liberty to file fresh application after three months by an order dated 08.09.2023. Pursuant to the liberty granted, the present

bail application is filed. The applicant married the deceased on 22.05.2022. On 05.05.2023 the deceased jumped from the first floor of the flat. She was immediately admitted to the hospital by the applicant where she was in coma for some time. The victim expired on 12.05.2023. The victim's mother registered the FIR on 16.05.2023. It is alleged that the victim was treated with cruelty. There were frequent quarrels alleged which the victim had with the applicant and there is also an allegation of demand of dowry.

4. Learned APP opposed the application for bail and submitted that the allegations are serious. It is further submitted that there is an allegation of demand of dowry as well. Learned APP invited my attention to the statement of the victim's mother as well as that of the victim's sister.

5. A reading of the allegations made by the victim's mother indicates that after the marriage, there were frequent quarrels between the applicant and the victim. On one or two occasions the applicant had slapped the victim. When the victim had visited her paternal home in June 2023, she had informed her mother and her sister that the

applicant was having a love affair with the wife of his elder brother and therefore, the victim is not keen to go back to the matrimonial home. The victim's parents persuaded her to go back to her matrimonial home. It is alleged that the applicant was frequently quarreling with the victim and was not treating her with respect. It is further alleged that the applicant's brother and the applicant's brother's wife were also quarreling with the victim.

6. The supplementary statement where the allegations of dowry are made was recorded after thirteen days after the FIR was registered. The allegations regarding dowry are vague in nature. In the facts of the present case whether the allegations made by the family members of the victim are such that the ingredients of the alleged offence is made out will be a subject matter of trial. The applicant is in custody since the date of his arrest on 16.05.2023. The investigation is complete and the charge-sheet has been filed. The applicant does not appear to be a flight risk. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Rupesh Ramesh Patil in connection with C.R. No.I-328 of 2023 registered with Padgha Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Padgha police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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 from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) 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.
- (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 not establish any contact with the witnesses.

7. The bail application is disposed of.

(M. S. KARNIK, J.)