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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 142 OF 2015
IN
CRIMINAL APPEAL NO. 40 OF 2015**

Narmada Jagan Karote	]	
Age 55 years, Occ: Housewife	]	
Residing at 607, MHADA Bldg.	]	
Kokani Agar, Antop Hill,	]	
Wadala East, Mumbai 400 037	]	
At present lodged at Yerawada Prison	]	Applicant/Original Accused No.6

Vs.

The State of Maharashtra	]	
At the instance of Wadala TT	]	
Police Station, through Ld. P.P.	]	
High Court, Bombay	]	Respondent

....

Mr. A.H.H. Ponda Advocate i/b Mallika A. Ingale Advocate for
Applicant
Dr. F.R.Shaikh A.P.P. for the State

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**CORAM : SMT.V.K.TAHILRAMANI AND
SHRI.B.P.COLABAWALLA, JJ.
DATED : APRIL 09, 2015**

P.C.:

1 Heard the learned counsel for the applicant and the
learned A.P.P. for the State.

2 By judgment and order dated 9.12.2014, the
applicant has been convicted under Sections 498-A read with
Section 34 and 304-B of IPC. The applicant / original accused

no.6 Narmada has now preferred this application for bail. It is the prosecution case that the applicant is mother-in-law of deceased Renuka. Deceased Renuka was married to Rajesh son of the applicant on 12.12.2008. The applicant was the mother in law of Renuka. On 16.4.2011 Renuka committed suicide on account of harassment and ill-treatment meted out to her on account of demand of money by the applicant and other accused.

3 The evidence of P.W. 1 Khushalrao who is the father of Renuka, shows that his daughter Renuka was married to Rajesh who was the son of the applicant on 12.12.2008. Khushalrao has stated that since January, 2010 the accused persons started ill-treating Renuka on account of demand for money. The applicant along with other accused caused burn injuries to both the hands of Renuka by hot iron rod. Renuka was treated for the injuries. Renuka informed this fact to her father Khushalrao on phone. Khushalrao has further stated that after delivery of his daughter, he went to reach his daughter and her daughter to the house of the accused persons, the applicant along with her son Rajesh asked

Khushalrao whether he had brought money with him. Khushalrao told them that since he had spent a lot of money for delivery of his daughter, he did not have money. The applicant and accused Rajesh told Khushalrao that they wanted to purchase a house from MHADA and hence, they required money. He could not pay the amount. On account of this, Rajesh the son of the applicant assaulted Renuka. The evidence on record shows that the applicant made no attempt to stop her son from assaulting Renuka. The evidence of P.W. 1 Khushalrao further shows that just four days prior to the incident i.e 12.4.2011 the applicant and other accused tried to pour kerosene on Renuka and tried to set her on fire. Renuka informed this fact to her father Khushalrao on telephone and also told him that he should arrange to pay money to the accused as per their demand because she was being harassed on this count. On 16.4.2011 P.W. 1 Khushalrao was informed that his daughter Renuka was admitted in Sion hospital. When he went to Sion hospital, he was informed that his daughter Renuka was dead. The medical evidence shows that the cause of death is asphyxia due to hanging.

4 The marriage of Renuka and Rajesh the son of the applicant, had taken place on 12.12.2008 and Renuka committed suicide on 16.4.2011 i.e. within seven years of marriage. The evidence on record shows that just four days prior to death of Renuka the applicant along with other accused tried to pour kerosene on her and tried to kill her as demand for money was not met. In view of the fact that Renuka died within seven years after marriage, a presumption under Section 113A of the Evidence Act would be raised. It is to be noted that the evidence on record shows that "soon before her death" Renuka was subjected to harassment as demand for money was not met. In such case it can be presumed that the applicant abetted her suicide.

5 The Supreme Court in the case of **State of Maharashtra Vs. Rajendra and others; 2014 SCC OnLine SC 550**, has observed that "as far as expression 'soon before her death' is concerned, no definite period has been indicated and the expression 'soon before her death' is not defined. Determination of period which can come within the terms 'soon before' is left to be determined by the Court depending

upon the facts and circumstances of each case". In the present case, just four days prior to the death of Renuka, she was harassed and ill-treated and the applicant tried to pour kerosene on her on account of demand of money not being met. From this incident it can be said that 'soon before her death' Renuka was subjected to cruelty and harassment by the applicant in connection with demand for dowry.

6 Looking to the evidence on record, we are not inclined to grant bail to the applicant. Accordingly, the application is rejected. However, the hearing of the appeal is expedited. Liberty to prepare private paper books and when paper books are ready to mention the matter for a fixed date of hearing.

[SHRI.B.P.COLABAWALLA, J.] [SMT. V.K.TAHILRAMANI, J.]