

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1692 OF 2015**

Gayatri Shivbali Dubey

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ajinkya Gangurde for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 14TH SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks her enlargement on bail in connection with C.R. No. 71 of 2015 registered with the Goregaon Police Station, Mumbai, for the alleged offences punishable under Sections 306, 498A r/w 34 of the Indian Penal Code.
3. The complainant Sanjay Ajaykumar Shukla is the brother of the deceased, and the applicant is the mother-in-law of the deceased. According to the complainant, his deceased sister Resham got married to

Anand Dubey some time in 2008 and that, from the said wedlock, the couple have a three year old son. He has alleged that initially for a period of 1^{1/2} years, his sister Resham was treated well and that thereafter, the present applicant, Anand, the husband of the deceased and the father-in-law started demanding Rs. 50,000/- as dowry. He has alleged that on account of the non-fulfilment of the said demand, the deceased was mentally and physically ill-treated. He has alleged that an amount of Rs. 10,000/- was given to the father-in-law of the deceased, pursuant to which, she was taken back home. According to the complainant, all the accused i.e. the husband, in-laws and brother-in-law were demanding a motorcycle from the deceased and on account of non-fulfilment of the same, were starving her. It is further alleged that the deceased was compelled to cook, wash utensils and to do all the household chores. It is also alleged that the applicant would ask the deceased to leave home, as she was unable to perform the household chores.

4. Learned Counsel for the applicant states that the applicant is in custody since 13th February, 2015. He submits that the nature of allegations are general as against all the accused.

5. Learned A.P.P opposed the bail application. She submitted that the deceased committed suicide on account of the demand made by the applicant and the other co-accused and that the deceased was subjected to abuses, threats and assault, pursuant to which, she committed suicide by hanging herself in the matrimonial house.

6. Perused the charge-sheet. The prosecution rests on circumstantial evidence. There is no dying declaration or suicide note of the deceased. The deceased and Anand were married in the year 2008 and the alleged incident has taken place in February, 2014. The investigation is complete and charge-sheet is filed. Considering the nature of allegations and the material on record *qua* the present applicant, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iii) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial.

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

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
order.
