

Anand

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

BAIL APPLICATION NO.1743 OF 2015

Manoj Shivbali Dubey .Applicant

v/s.

The State of Maharashtra .Respondent

Ms Sharon Fernandes & Mr.A. Gangurde, Advocate,
for the Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks his 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, 1870.

3. On 06.02.2015, the applicant's sister-in-law committed suicide in her matrimonial home. On 12.02.2015, Sanjay Shukla, brother of the deceased lodged a complaint with the Goregaon Police Station, Mumbai alleging the aforesaid offences, as against the husband of the deceased, in-laws, sister-in-law and the present applicant who is the brother-in-law of the deceased. According to the complainant, the deceased got married to Anand, the applicant's brother in April, 2008. He has alleged that initially for a period of one and half years the deceased was treated well, however, thereafter, there was a demand for bike and for Rs.50,000/- as dowry, by the accused; and that due to non-fulfillment of the said demand, the accused were ill-treating and harassing the deceased. He has further alleged that the deceased was compelled to do all the household chores and that none of the accused extended any help to her. According

to the complainant, the deceased's sister-in-law would instigate the other accused and the mother-in-law would ask the deceased to leave home, if she was unable to cope with the work and that all the accused would abuse the deceased.

4. Learned counsel for the applicant submits that the applicant, who is the brother-in-law of the deceased, is a student, who at the relevant time, was pursuing S.Y.Bcom.. She relied on the Certificate which is at Page No.101 of the said application to show that the applicant was doing his S.Y.Bcom. from the Nirmala College of Commerce. She submits that the applicant, a student has been falsely implicated in the said case.

5. Admittedly, the prosecution case rests on circumstantial evidence. There is no dying

declaration or suicide note left by the deceased. The deceased was married to the applicant's brother in 2008 and the incident has taken place on 06.02.2015. The allegation of demand for a bike is alleged as against the husband, father-in-law and the applicant, who is the brother-in-law of the deceased. The applicant at the time of the said alleged demand is stated to be 18 years old. All the family members have been arrayed as accused. Considering the nature of allegations qua the applicant and the fact that he is a student and the fact that investigation is complete and charge-sheet is filed, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be released on bail on his furnishing P.R.Bond in the sum of Rs. 10,000/- with one or two solvent sureties in the like amount.

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

7. 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.

Parties 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 Judgment/order.