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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1804 OF 2015

Ambubai Subhash Parit & Ors. ..Applicants

v/s.

The State of Maharashtra. ..Respondents

Mr. V.L.Kolekar for the Applicant
Mr. Y.M.Nakhwa, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**
**DATED : DECEMBER 05, 2015.**

**P.C.**

1. This is an application for anticipatory bail filed by the applicant apprehending their arrest in Crime No.68 of 2015 registered with Ajra Police Station, Kolhapur, for the offence punishable under Section 304 (B) r/w. 34 of the Indian Penal Code.

2. Shri Y.M.Kalekar, the learned counsel for the applicants has submitted that the deceased was married to the son of the applicant no.1 against her wishes. He has further submitted that the

allegations of cruelty and demand for dowry are false and are made mainly on account of death of his daughter. He has submitted that the applicants are ready to co-operate with the investigation and hence they be released on bail.

3. The learned APP has submitted that the victim had committed suicide within four months from the marriage. He has further submitted that there is prima facie material to show that she was subjected to cruelty. She therefore contends that the applicants are not entitled for bail.

4. I have perused the records and consisdered the submissions advanced by the learned Counsel for the applicants and the learned APP for the State. The records reveal that deceased Anuradha, daughter of the first informant was married to the son of the applicant no.1 and brother of the applicant no.2 herein on 14.6.2015. She had expired on 3.10.2015. The post mortem report reveals that she had sustained burn injuries and that the body was smelling of kerosene. The viscera report as well as the opinion of cause of death

is reserved.

5. The statement of the complainant/ first informant prima facie reveals that his daughter Anuradha did not have any problem in her matrimonial house for initial period of 15 days from the date of her marriage. However, subsequently, her husband Ajay, Subhash and the applicants herein started subjecting her to mental cruelty for not meeting their demand of dowry. His daughter Anuradha had informed him that her husband and his family members i.e. the applicants herein had demanded Rs. 5 lakhs for purchase of plot at Ajra. It is further stated that he had gone to the matrimonial house of his daughter along with Gopal Parit and Suresh and had informed his son-in-law Ajay, Subhash and the applicants herein that they were poor and were unable to meet their demand and had requested to treat their daughter Anuradha well and not to subject her to cruelty. The complainant has further stated that on 24.9.2015 Anuradha had phoned him and had told that the applicants herein and the other family members had intensified cruelty as she was unable to bring money for the purchase of plot at Ajra. The complainant once again

went to the matrimonial house of his daughter along with Gopal Parit and others. They had a meeting in which they once again told them that the were unable to meet their demands due to their poverty, and requested to take care of their daughter. Despite the said meeting, on 1.10.2015, Anuradha once again phoned them and told them that she was being harassed and that the applicants and her husband were compelling her to sign the divorce papers. The victim had expressed apprehension that there was danger to her life at the hands of the applicants and the other family members. She had told her father to take her to the parental house. The complainant had stated that he had assured the victim that he would come to her matrimonial house within two days. However, immediately on 2.10.2015 he received a message that Anuradha had committed suicide by setting herself on fire.

6. I have perused the statements of the other witnesses, who had visited the matrimonial house of the deceased and tried to intervene and settle the dispute between the deceased, her husband and other family members. The statements of these witnesses prima facie

reveals that there was demand of dowry and that she was subjected to cruelty. The statements of these witnesses coupled with the fact that the girl aged about 22 years, had committed suicide within four months of her marriage, prima facie reveals that she was subjected to cruelty. The offences of such nature are on rise and are required to be investigated thoroughly. The gravity of the offence therefore disentitles the applicants for anticipatory bail.

7. In the circumstances, and in view of the discussion supra, the application for anticipatory bail is dismissed.

**(ANUJA PRABHUDESSAI, J.)**