

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1605 OF 2014

Rahul Shrimant Shivsharan	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 1621 OF 2014

Shrimant Tuljaram Shivsharan	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Tapan Thatte, Advocate for the applicant
Ms. R.V.Newton, APP, for the respondent-State (in ABA No.1605/2014)
Mr. Arfan Sait, APP, for the respondent-State (in ABA No.1621/2014).

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 7th January, 2015.

P.C.

Heard. The applicants herein are apprehending their arrest in Crime No. 242/2014 registered at Dehu Road Police Station on 16.11.2014 for the offences punishable under Sections 498A and 306 of Indian Penal Code. The learned APP submits, on instructions from the Investigating Officer that Section 304 of IPC has been subsequently added.

2. Perused the papers. It appears from the papers of investigation that

on 13.12.2014, the complainant i.e. the mother of the deceased had approached the police station and has filed a statement before the police stating therein that after communication of the suicidal death of her daughter, she has lodged the FIR at the police station alleging therein that her daughter was humiliated, ill-treated at the hands of the preent applicants and other members of the matrimonial family. She has alleged that there was a demand of dowry for the purpose of subsistence of the marriage. Hence the prosecution has been initiated against the present applicants for the offences alleged in the FIR. However, taking into consideration the fact that the complainant has specifically stated that during the last visit to her matrimonial house her daughter had disclosed that she was living happily in the matrimonial home cannot be ignored. The complainant has further stated that she was aware that on the date of incident there was a trifling dispute between the husband and wife on account of preparation of food. Both of them did not have their dinner and in a fit of rage, she committed suicide.

3. Taking into consideration this aspect, the applications seeking pre-arrest bail deserve to be allowed. However, the observations made hereinabove are prima facie in nature and shall not be influenced by the Sessions Judge while deciding the application under Section 482 of Cr.P.C., discharge application or at the time of trial.

ORDER

(i) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicants shall report to the concerned police station as and when called.

Both the Applications stand disposed of.

(SMT.SADHANA S.JADHAV, J.)