

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1159 OF 2016

Prabhuram Godara & Ors. ... Applicants

V/s.

The State of Maharashtra ... Respondent

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Mr.Subodh Desai i/b. Husayn Kopty, Advocate for the Applicants.

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

Mr.S.B.Gaikwad, API, Nerul Police Station is present.

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CORAM : P. N. DESHMUKH J.

DATED : 15th JULY 2016.

P.C.

1 Applicants being father-in-law, mother-in-law and
sister-in-law of deceased Neelam having been involved in Crime
No.I-200 of 2016 registered by Nerul Police Station for the offence
punishable under Sections 304(b), 498-A, 506 read with Section
34 of the Indian Penal Code, has sought anticipatory bail.

2 Heard learned counsel for both the sides. The learned
counsel for the applicant has submitted that on considering the
contents of report lodged by Sureshkumar Dhanda-father of
deceased Neelam, it cannot be said that immediately prior to
deceased committing suicide by hanging in the matrimonial home,

she was subjected to ill-treatment by the applicants on the count of demand of dowry. It is contended that husband of deceased Neelam is already arrested and thus submitted that though investigation is in progress, applicants will cooperate with the same and thus be released on bail by imposing stringent conditions.

3 The learned Additional Public Prosecutor has opposed the application on the ground that investigation is in progress and custodial interrogation of the applicants is necessary to ascertain the CDRs of applicant-Monika, who has phoned mother of the deceased prior to the incident demanding cash and flat.

4 On perusal of report, it reveals that deceased was married in the year 2013 with co-accused Shivkumar and in their marriage complainant has spent Rs.17,00,000/-. After her marriage, she was residing with applicants at Nerul. Applicant Nos.1 and 2 were residing with them. Material contents of report are to the effect that one month after her marriage, she was subjected to ill-treatment at the hands of applicants, who were demanding Fridge, A.C., Washing Machine, T.V., motorcycle and cash of Rs.5,00,000/-. According to the report as marriage appears to have been solemnized in February 2013, said demand, as alleged, thus should be sometime in the month of March 2013.

5 From further contents of report, it reveals that in November 2015 deceased told her father while in her maternal home that she was further ill-treated by applicants for gold bracelet, other gold ornaments and gold necklace of five tolas. In the entire report, except for quoting these two incidents, there is nothing to establish that prior to incident, which occurred on 06/06/2016 ill-treatment, as alleged, was continued to the applicant till that date.

6 Contents of report further reveals that complainant has spoke to applicant-Bimala mother-in-law of deceased and informed that he would satisfy their demand and they should not provide ill-treatment to Neelam and had also sent one Omprakash to meet applicants and to make them understand to treat deceased happily. The learned Additional Public Prosecutor, on instructions, states that no statement of Omprakash could be recorded since deceased.

7 The learned Additional Public Prosecutor has pointed out some statements involving applicant Monika, making phone call to mother of deceased demanding flat and cash prior to incident, and on this count prays for custodial interrogation of applicants. However, such investigation can be carried out by imposing condition upon the applicants. Application is thus liable to be allowed as per order below :

- (i) In the event of arrest of applicants in Crime No.I-200 of 2016 registered by Nerul Police Station, applicants shall be released on bail on their executing personal bonds in the sum of Rs.20,000/- each with one surety each in like amount.
- (ii) While on bail, the applicants shall mark their presence with Investigating Officer on each Monday falling on 18th and 25th of July 2016 and thereafter as and when called by Investigating Officer till filing of charge-sheet.
- (iii) Applicants shall not tamper with the witnesses and cooperate the Investigating Officer.

(P. N. DESHMUKH J.)