

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1893 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Gajesh Sharma i/by Ajinkya Gangurde for the Applicant.
Smt. A.T. Javeri, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 06th January, 2016

P.C.

This is an application for bail in CR NO.71/2015 registered with Goregaon Police Station, Mumbai under Section-498A, 306 read with 34 of the I.P.C.

2) The complainant is the brother of the deceased Smt. Resham Dubey. The complainant namely Sanjay Ajay kumar Shukla the brother of the deceased lodged the first information report on 12.2.2015. In the said first information report, it is alleged that the applicants along with other co-accused used to demand dowry from the deceased. They also used to ask the deceased to bring the motor cycle from her parents. The accused persons

used to keep the deceased hungry. They did not provide her food. On an earlier occasion, the parents of the deceased paid Rs.10,000/- to the applicant No.1. That, the applicant and other accused persons used to treat the deceased as a slave. Due to the unbearable harassment and the mental torture at the hands of the applicants and other accused persons, deceased Resham Dubey committed suicide on 6.2.2015 in the night at her matrimonial house. In the premise, the said FIR was lodged. After completion of the investigation, the police have filed the charge-sheet.

4) The Learned counsel for the applicant submitted that the allegations against the applicants and other accused persons are general in nature. He further submitted that the applicants were arrested on 13.2.2015. He further pointed out the order dated 14.9.2015 passed by the Learned Single Judge of this court in Bail Application No.1259/2015 whereby the mother in law of the deceased namely Gayatridevi Dubey was released on bail.

Learned APP opposed the bail application. She submitted that the deceased has committed suicide on account of demand made by the applicants and other co accused. She further submitted that deceased was subjected to abuses,

threats and assaults due to which the deceased ultimately committed the suicide by hanging herself in the matrimonial home. That, there is sufficient evidence available against the applicants and therefore, they may not be released on bail.

5) I have perused the entire charge sheet. The prosecution of the applicants and other accused persons rest on the circumstantial evidence. It appears from the record that there is no suicide note left behind by the deceased. The deceased and the applicant No.2 were married in the year 2008 and the alleged incident had taken place on 6.2.2015. It further appears that out of the said wedlock, the applicant No.2 and the deceased have given birth to one child who is approximately 5 years of age. The investigation is completed and the charge sheet has been filed. There is no apprehension of abscondence of applicants if released on bail. Considering the nature of the allegations and the material on record, the applicants deserves to be enlarged on bail on the following terms. Hence, the following order.

ORDER

a) The applicants shall be released on bail in CR No.71/2015 registered with Goregaon Police Station, Mumbai on their executing PR bond in the sum of Rs.25,000/-each with one or two solvent

sureties in the like amount.

b) After release from Jail, the applicants shall report the Investigating Officer on 1st Monday of every month between 10.00 a.m. to 12.00 noon, till the conclusion of the trial.

c) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

d) Application is disposed of in the aforesaid terms.

(A.S. GADKARI, J.)