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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2453 OF 2015

Bhagwan Nathu Kale	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Aniket U. Nikam for the applicant.

Ms.Veera Shinde, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 13TH JUNE, 2016

P.C. :-

1. The applicant / husband of deceased Kavita by this application is seeking bail in Crime No.80/2015 for offences punishable under Section 304(B), 498A, 323 read with 34 of the Indian Penal Code registered at Yavla Taluka Police station, Nashik at the instance of Santosh Jane - brother of the deceased.

2. Heard the learned counsel appearing for the applicant. He argued that as seen from the F.I.R. as well as the charge-sheet, there is no evidence whatsoever reflecting

cruel treatment to the deceased Kavita since before her death. The learned counsel further argued that after 25th April, 2015 till 10th May, 2015, the material collected by the prosecution does not show that there was cruel treatment to the deceased. Hence according to the learned counsel for the applicant, there is no nexus with the alleged ill-treatment and death of Kavita.

3. I have also heard the learned APP for the State.

4. Perused the charge-sheet. It is seen that the present applicant married Kavita on 11th May, 2011 and thereafter she started co-habiting with the applicant as well as his family members. Statements of witnesses, including that of informant goes to show that the applicant was subjecting Kavita to cruelty by harassing her for the reason that she failed to bring an amount Rs.2 lacs from her parental relatives. According to the prosecution, as reflected from the statements of witnesses as less dowry was paid at th time of marriage of Kavita, the applicant and co-accused used to subject her to cruelty. Ultimately, Kavita died at the residential house of the applicant on 10th May, 2015 and it was informed to the

parental relatives that she died because of snake bite.

5. Advance certificate of death of Kavita goes to show that she died due to hanging and after examination of the viscera, it is now certified that Kavita died due to asphyxia due to hanging. The Post Mortem notes shows that there was ligature mark single and prominent over upper neck and above thyroid cartilage going backwards parietal to mandible. It is thus clear that within 7 years of her marriage with the applicant, Kavita died under abnormal circumstances. Perusal of the statement of witnesses goes to show that Kavita was subjected to harassment with a view to coerce her for bringing an amount of Rs.2 lacs from her parental relatives towards dowry as less amount was paid at the time of her marriage with the present applicant. F.I.R. as well as statements of witnesses goes to show that last Kavita attended her parental house on 24th April, 2015 for marriage of her younger brother. She left for her matrimonial home on 25th April, 2015. During this period, the charge-sheet shows that she disclosed to her parental relatives that she was subjected to harassment for coercing her to bring an amount of Rs.2 lacs from her parental relatives. Within few days i.e. on 10th May, 2015 Kavita died.

It is thus clear that prima facie there is proximate connection between the demand of dowry and act of cruelty or harassment to Kavita causing her death, otherwise then in normal circumstances.

6. Considering the nature of offence and the fact that her family relatives were informed by the applicant that Kavita died of snake bite, the case is hand is not a fit case to grant bail. Release on bail of co-accused cannot be used to seek parity as the present applicant is the husband of deceased and the deceased died in his house. In the result, the following order:-

The application is rejected.

(A.M.BADAR, J.)