

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

BAIL APPLICATION NO. 645 OF 2017

Anil Suresh Jadhav.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Satyavrat Joshi, advocate for Applicant.

Mrs. P.P. Shinde, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : DECEMBER 8, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for the State. Perused the papers of investigation.

2 This is subsequent application under section 439 of the Code of Criminal Procedure, 1973. The earlier application filed by the present application was allowed to be withdrawn on 28/9/2017 when the Court was not inclined to grant bail. The charge is framed in the present case on 9/9/2017. The matter is posted for recording of evidence.

3 It is the case of the prosecution that on 9/9/2015 Bhanudas Darekar, who happens to be the police patil of village Ambi, Taluka – Maval, District- Pune had lodged report at the police station informing therein that he was informed by Anil Jadhav i.e. the present applicant that his wife Akshada was found in a burnt condition near the bath room. On the basis of the said report A.D. No. 3 of 2015 was registered at MIDC Police Station, Talegaon.

4 On the same day i.e. on 9/9/2015 Sharda who happens to be the mother of the deceased Akshada lodged a report at the police station alleging therein that her daughter had got married with the present applicant on 14/5/2015. That in the month of August, Akshada and her husband had been to the house of the complainant for lunch. At that time, the applicant had demanded a watch and 10 grams of gold. The parents had informed him that due to economic stringencies, it would not be possible for them to offer the same. However, Akshada had also complained to her mother that she is

being harassed and ill-treated in her matrimonial home. That Akshada was receding in depression.

5 On 8/9/2015 complainant had called Akshada on her cell phone and had informed her mother that since Gauri-Ganpati festival is ensuing she should give gauri and other things to her as per the custom of her matrimonial house. The complainant had assured that they would try their best to give as per their financial capacity. At that time, Akshada had disclosed to her mother that she was fed up and that, she is in a state of agony in her matrimonial house.

6 On 9/9/2015 at about 7 a.m. the complainant was informed by one of her relatives that Akshada had sustained shock and she is being taken to the hospital and that they should reach the hospital. Upon reaching the hospital, the complainant had noticed that her daughter had expired due to burns. And therefore, she was sure that the brother and sister have set her daughter ablaze. On the basis of the said report, Crime No. 4 of 2015 was registered at Talegaon MIDC

Police Station under section 498A, 302 read with section 34 of the Indian Penal code.

7 After completion of investigation, charge-sheet was filed for offence punishable under section 498A, 304B, 302 read with section 34 of the Indian Penal Code.

8 It is admitted position that Akshada has died in her matrimonial house within four months of her marriage. There is prelude to the said incident. That she had specifically informed her mother not less than 24 hours before her death that she is fed up of the ill-treatment meted out to her. There was a demand of dowry just one day prior to the incident. It is in these circumstances that a presumption under section 113 B of the Indian Penal Code needs to be drawn to the extent that it is a dowry death. Since, the incident has occurred in the early hours of 9/9/2015, it is suspicious as to whether it was a case of suicide or a case of homicide.

9 It is an admitted position that the applicant was at home when the incident had occurred. Moreover, the inquest panchanama shows that hair on her head were also burnt. Post mortem was conducted on 9/9/2015 at 2 p.m. in the afternoon. But Rigor Mortis was well marked on the whole body. There was post mortem lividity on the back. The body was almost charred. It is in these circumstances that this Court is not inclined to grant bail. Hence, the application seeking bail is rejected.

(SMT. SADHANA S. JADHAV,J)