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

CRIMINAL BAIL APPLICATION NO.519 OF 2017

Amardeep Ashok Dhole

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.A.P.Mundargi, Senior Counsel i/b Mr.A.S.Patil, for the Applicant.

Ms.S. S. Kaushik, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 8th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.95 of 2016 registered with the Kamothe Police Station, New Mumbai, for the alleged offences punishable under Sections 304B, 498A r/w 34 of the Indian Penal Code.
3. On 2nd May, 2016, deceased – Pushpa was found hanging in

her bedroom. Pushpa was taken to M.G.M. Hospital at Kamothe, by the applicant and other family members, but was declared to be dead on admission. The Medical Officer of the M.G.M. Hospital informed the same to the police, on the basis of which an A.D was registered on 3rd May, 2016, being A.D. No.32 of 2016. On 8th May, 2016, Pushpa's brother lodged a complaint as against the present applicant and others alleging the aforesaid offences.

4. Learned Senior Counsel for the applicant submitted that the allegations as against the applicant and other accused is that they demanded money from the deceased – Pushpa, pursuant to which, money was paid by Pushpa's father and brother on two occasions i.e. in 2015 and February, 2016. He submitted that the said allegation of demand is baseless, inasmuch as, an amount of Rs.31,000/- odd was returned back by the applicant to Pushpa's father, on 28th March, 2016. The same is reflected in the statement of Pushpa's father. He further submitted that except the statements of close relatives of the deceased, the statements of neighbours, which have been recorded, do not show that Pushpa was being ill-treated, harassed or assaulted by the applicant or other co-accused. He further

submitted that when the applicant returned home at about 11.30 p.m., he went to the bedroom and realised that the bedroom door was locked from inside, pursuant to which, the door was broken open. He relied on the panchanama to show that the latch was broken open. He further submitted that apart from the allegation of demand for dowry, the other allegations against all the accused are that they used to ill-treat Pushpa, as she could not cook food properly and as she was not keeping the house clean. He further submitted that the applicant's brother and mother have been enlarged on bail, by this Court.

5. Learned APP submits that the allegations are that pursuant to the demand made by the applicant, two amounts were paid i.e. Rs.40,000/- and Rs.49,900/- in 2015 and February, 2016 respectively. She submitted that pursuant to the ill-treatment meted out by the accused, to Pushpa, she committed suicide.

6. Perused the papers. The applicant was married to deceased – Pushpa on 15th May, 2009. The incident has taken place on 2nd May, 2016. It appears from the panchanama that the door of the bedroom was locked

from inside. It also appears that the deceased had committed suicide in her bedroom and hence the latch of the bedroom door had to be broken open forcibly. It also appears from the statement of Pushpa's father that twice money was paid to the applicant i.e. Rs.40,000/- in 2015 and Rs.49,900/- in February, 2016 and that the applicant had returned an amount of Rs.31,000/- odd to Pushpa's father in March, 2016. The statement of the applicant's son, who was aged 6 years at the relevant time does not throw much light as to what happened on that night. The cause of death is stated to be "Asphyxia Due to Hanging." It is also not in dispute that other co-accused have been enlarged on bail by this Court. The applicant is in custody since May, 2016.

7. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

ii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

iii) The Applicant shall co-operate in the conduct of the trial;

8. The Application is allowed and disposed of in above terms.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)