

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 406 OF 2017

Mansingh Dhruvsingh Kushwah.	... Applicant.
Versus	
State of Maharashtra.	... Respondent.

Mr. Nitin U. Jadhav, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

Mr. Bhushan Mukundlal Dayama, API, Mahatma Phule Chowk Police Station, Kalyan.

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

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 58/2017 registered at Mahatma Phule Police

Station for offence punishable under section 498A, 306 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 1/3/2017 Virendrasing Parmar lodged a report at the police station that his daughter namely Sonam was married to the present applicant on 7/5/2015. Initially for 6 months, she was residing at Udayotgad in her matrimonial house. At that time, there was no harassment. Thereafter, she had come to reside at Bombay and was residing with the present applicant at Kalyan. That her brother-in-law and her co-sister were residing with the applicant and Sonam. That they were all coercing her to fetch Rs. 1 Lakh from her parents. She was also threatened of dire consequences upon failure to fulfill the said demand. On 28/2/2017 Sonam had called upon her sister-in-law namely Bhavana Parmar and had informed her that she is being assaulted by her husband and Rakhi. That she was assaulted throughout the whole night. Her sister-in-law attempted to convince her and that she assured her that she would send her brother to fetch her. In the

morning at about 11.00 a.m. father of the applicant had informed the first informant that Sonam is attempting to commit suicide and that he should take her. That the phone was disconnected and soon thereafter, the first informant had received the second phone call informing him that Sonam had expired and that he should take her away.

4 The learned Counsel for the applicant submits that the applicant has been falsely implicated and that Sonam was not assaulted. Upon perusal of the post mortem notes, it appears that lips were cyanose. That there were ligature mark on the neck which indicates that she has committed suicide. It is pertinent to note that the deceased was carrying pregnancy of 8 weeks on the day on which she committed suicide.

5 The learned APP rightly submits that the deceased had no other alternative, but to commit suicide, since she was being assaulted by her husband and the other members of the family throughout night.

6 This is a case of custodial death. The statement of the deceased just an hour before she committed suicide would be considered as dying declaration as she was given cause for commission of suicide. There is contemporaneous record to substantiate the same. Hence, the applicant does not deserve to be enlarged on bail.

7 The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)