

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 867 of 2017

Shri Suraj Rajkumar Gupta & ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. M. S. Mohite a/w. Mr. S. R. Phanse for the applicants.

Smt. Veera Shinde, APP for the respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 15 JUNE 2017

P.C. :

1. This is an application for anticipatory bail. The applicants are apprehending arrest in connection with C.R. No.I-128/2017 registered with Mahatma Phule Police Station, Kalyan for the offences punishable under sections 306, 498-A read with section 34 of IPC.

2. The prosecution case is that the complainant daughter was married to applicant no.1 on 12 December, 2012. For a period of one year their relation were cordial. Thereafter, the complainant's daughter delivered a child. After that the father-in-law of the deceased had died by accident and subsequently the sister-in-law of

the deceased also expired. In-laws of the complainant's daughter were taunting her that she has brought bad omen in their family on account of which there were two deaths in the family. It is further alleged that on 17 April, 2017, the daughter of complainant visited her parental home. She was followed by her husband i.e. applicant no.1. she informed her husband that he should arrange for another room and only thereafter he should come to take her alongwith him. The husband, applicant no.1 then left the house of the complainant. On 26 April, 2017, applicant no.1 again came back to the complainant's house and had discussion with his daughter. Applicant no.1 informed the complainant's daughter that he had found out premises in Kala Talav area and he has confirmed the deal with the owner of the premises and she should accompany him. On account of the said discussion, the deceased, (daughter of the complainant) left with accused no.1. on 28 April, 2017, the complainant received a telephone call from accused no.1 who informed that the complainant's daughter had sustained burn injuries and she has been admitted in the hospital. The complainant then visited the hospital. The complainant's daughter thereafter succumbed to the burn injuries sustained by her on 28 April, 2017 at about 23.45 hrs. The FIR was lodged on 29 April, 2017.

3. Learned advocate for the applicants submitted that the applicants have been falsely implicated in the case. The applicants have not committed any act which amounts to abetment to commit suicide. It is submitted that the deceased wanted to stay separately and there was a quarrel between her and applicant no.1 on the day of incident. It is further submitted that after knowing that the deceased had burn herself, applicant no.1 rushed to his house and alongwith neighbours broke open the door. It is further submitted that the fact that the deceased wanted to stay separately is evident from the statement reflected in the FIR itself, wherein the complainant has referred to the conversation between the deceased and applicant no.1. He further submitted that the custodial interrogation of the applicants is not necessary and they may be ordered to be released on anticipatory bail.

4. Learned APP vehemently opposed the application for anticipatory bail. She submitted that accused persons subjected the complainant's daughter to harassment. The accused persons were taunting the deceased that she had brought bad omen, on account of which there were two deaths in the family after the marriage of the deceased with applicant no.1. It is further submitted that the

deceased had died in suspicious circumstances. She pointed out that the statements of the neighbors were recorded in which it is stated that on learning that the deceased had burn herself the neighbours and the applicants broke open the door which was closed from inside and had entered into the premises. Thereafter, the deceased was taken to the hospital.

5. I have perused the papers of investigation conducted by the police. In the supplementary statement of the complainant, it is stated that at the earlier point of time Kongav police had recorded the statement of the complainant wherein he has stated that he has no complaint against any person. However, he has given explanation for making such statement, stating that he was under shock and his mental condition was not stable. He has also stated that he could not see his younger grand daughter and her whereabouts were not known and apprehending any danger to her, he made the earlier statement. It is also noticed that the initially the statement of the deceased was recorded by PSI attached to Kongav police station on 28 April, 2017 which is in form of dying declaration where it is stated that the deceased had committed suicide and that she had no complaint against any person.

6. In the aforesaid circumstances, it is evident that the reason for committing suicide which is attributed by the complainant is that the accused were harassing his daughter on account of the fact that she has brought bad omen to the family since there were two deaths in the family of the accused. It is also evident from the statement of the complainant that the deceased had conversation with applicant no.1 that he should make arrangement for separate room. In the light of the said statement, there appears some force in the statement of the learned advocate for the applicant, that there was a dispute between applicant no.1 and the deceased on account of a separate accommodation.

7. It is also noted that in the initial statement, the deceased as well as the complainant had not attributed any incriminating circumstances against the applicants.

8. In the aforesaid circumstances, the applicants can be released on anticipatory bail imposing certain conditions.

9. Hence I pass the following order;

:: ORDER ::

- (i) Anticipatory bail application no.867 of 2017 is allowed.
- (ii) In the event of the arrest of the applicants in connection with C.R. No.I-128/2017 registered with Mahatma Phule Police Station, Kalyan, the applicants may be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Twenty Five Thousand only.) each with one more sureties in the like amount.
- (iii) The applicants are directed to report Mahatma Phule Police Station, Kalyan once in a week on every Saturday between 11.00 am to 1.00 pm till filing of chargesheet.
- (iv) Application stands disposed of.

[PRAKASH D. NAIK, J.]