

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1797 OF 2017

Neeraj Umashankar Sahu ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.S.V.Marwadi i/b. Mallika A. Ingale, Advocate for the Applicant.

Ms.J.S.Lohokare, APP for the Respondent/State.

Mr.Sandeep Maurya, Advocate for the Respondent/victim.

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CORAM : A.M.BADAR J.

DATED : 10th OCTOBER 2017.

P.C. :

1 By this application, the applicant/accused, who is husband of deceased Arti Neeraj Sahu is seeking pre-arrest bail in Crime No.454 of 2017 for the offence punishable under Section 304-B read with Section 34 of the Indian Penal Code.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that the FIR itself shows that whatever was given at the time of the marriage was given out of the free will by First Informant Ramkishor Sahu in marriage of his daughter with the present applicant. It is further argued that the

applicant/accused is well settled in life having three shops and his bank statements goes to show that he has enough money in his account and as such, there was no question of demand of Rs.5,00,000/- from the deceased. My attention was drawn to the photographs of the deceased with the applicant taken a month prior to the incident and it was argued that the applicant had taken the deceased for outing and she was happy in life with the present applicant. It is further argued that the applicant carried dead body of his deceased wife Arti to the native place after her death on 28/08/2017. Subsequently, FIR came to be lodged on 11/09/2017 and this belated FIR shows that the applicant is falsely implicated in the crime in question.

3 The learned Additional Public Prosecutor opposed the application by contending that case diary contains statement of Anurag Sahu, who is eye-witness to the incident of demand of dowry and consequent ill-treatment to the deceased. The learned APP further relied on the FIR lodged by the father of deceased Arti. I have also heard the learned Advocate appearing for the First Informant.

4 Arti Neeraj Sahu (since deceased) married the applicant on 08/02/2012. She died in her matrimonial house on 28/08/2017. She was found hanging by neck in the kitchen of the house on 28/08/2017. Informant Ramkishor Sahu is his father.

In the FIR lodged by him, he averred that a year prior to the incident, his daughter Arti contacted him telephonically and informed about the demand of Rs.5,00,000/- from accused persons for purchasing a room. He averred that as he was not in a position to pay that much amount, ill-treatment and cruelty to Arti came to be started. First Informant further averred that the present applicant was subjected his wife Arti to physical as well as mental cruelty.

5 Anurag S. Sahu is an employee of the present applicant. By paying Rs.2,000/- to the present applicant, Anurag Sahu used to have lunch as well as dinner at the house of the present applicant. His statement reveals that he is an eye witness to the incident of subjecting deceased Arti to cruelty on account of demand of Rs.5,00,000/-.

6 Death of Arti at her matrimonial house is undisputedly within seven years of her marriage with the present applicant. There is eye witness to the incident of subjecting a married woman to cruelty and her death is found to be otherwise than in normal circumstances. Considering this evidence against the present applicant, no case for pre-arrest bail is made out and, therefore, the Order :

The application is rejected.

(A.M.BADAR J.)