

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

BAIL APPLICATION NO. 212 OF 2018

Lakhan Sanjay Sawant.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Nitesh Mohite i/b. Mr. Jaydeep D. Mane, advocate for Applicant.

Mr. S.R. Agarkar, APP for State.

Mr. B.J. Rathod, ASI, Tembhurni Police Station, Solapur.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 12, 2018**

P.C.:

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

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 25/6/2017 in Crime No. 272 of 2017 registered at Tembhurni Police Station for

offence punishable under section 302, 304(B), 498A read with 34 of the Indian Penal Code.

3 It is the case of the prosecution that marriage of the applicant with one Manjushree was solemnised on 16/11/2016. The applicant used to harass his wife on account of demand of dowry 50 gms of gold. On 24/6/2017 Mohan Keshav Sawant, uncle of the applicant lodged a report at the police station alleging therein that on 24/6/2017 at about 8 p.m. he was informed by the neighbours that the wife of the present applicant has committed suicide by hanging in the house.

4 On the basis of the said report A.D. No. 43 of 2017 was registered under section 174 Code of Criminal Procedure, 1973. Body was sent for autopsy. The cause of death was “death due to cardio respiratory arrest due to asphyxia due to throttling and strangulation with soft ligature mark.” It is pertinent to note that the column 17 of the post mortem notes would indicate that there were external

injuries on the person of Manjushree. There was abrasion all over body and fracture of the coccyd cartilage. That it is a case of custodial death. At the time of death of Manjushree, she is in exclusive custody of present applicant and they were married for hardly one year.

5 On 25/6/2017 Ramdev Mahadeo Randive lodged a report at the police station indicating therein that his daughter had died while in custody of the present applicant as he was harassing her on account of dowry. On 26/6/2017 the statement of mother of Manjushree was recorded and she had disclosed to the police that Manjushree had disclosed to them time and again the applicant was harassing her on the ground that his relatives were not honoured properly at the time of marriage and dowry amount was not paid.

6 Upon perusal of the papers of investigation, it is clear that the applicant does not deserve to be enlarged on bail.

7 It is made clear that observations made hereinabove are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the trial court shall not be influenced at the time of trial.

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

(SMT. SADHANA S. JADHAV,J)