

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

CRIMINAL BAIL APPLICATION NO. 1678 OF 2018

Jagdish Ramlal Gaud

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Ms. Anjali Patil, Advocate a/w. Arun Rajput, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : OCTOBER 09, 2018.

PC :

1 This is an application for grant of bail in connection with C.R. No. 10 of 2018 registered with Vakola Police Station for offence under section 304-B r/w. 34 of the Indian Penal Code. The applicant was arrested on 20.01.2018.

2 The prosecution case is that the marriage between the deceased and the Applicant was solemnized in 2012 and out of the said wedlock, they had a daughter, aged 5 years, and a son, aged 2 years. The complainant used to visit his sister's house as the complaint was lodged by the brother of the victim, who is his sister. He used to visit the house of the victim. The brother-in-law and sister-in-law of

the deceased were residing on the ground floor, whereas the victim alongwith her husband was residing on mezzanine floor. There used to be frequent quarrels between the deceased and her-in-laws. Whenever the complainant used to visit the house of his sister, she used to inform him about the harassments meted out to her. The husband of the deceased was also asking for money from the deceased, by saying that her father has not given anything to him in the marriage. On 30.12.2017 the victim poured kerosene on her person and set herself on fire. She was taken to the hospital. According to the complainant, he visited his sister, who was admitted in Kasturba Hospital, Mumbai and at that time, she disclosed to him that her husband, father-in-law and sister-in-law harassed her and because of their harassment, she had poured kerosene on herself and set herself on fire. During the course of investigation, statements of several persons were recorded. The statement of the victim was also recorded on 30.12.2017. The investigation is complete and the chargesheet is filed.

3 Learned counsel appearing for the Applicant submitted that there is no evidence to support the charge under section 304-B. The applicant had not abetted the victim to commit suicide. The marriage was solemnized in 2012 and there was no reason for the victim to commit suicide in 2017. The statements of the complainant and other relations of the deceased are false. He pointed out statement

of Pushpa Jagdish Gaud (the deceased) as well as the statement of the son of the applicant and the history provided to the medical officer during the treatment of the deceased.

4 Learned APP for the State submitted that the complainant has specifically mentioned that the applicant and others were causing harassment to the deceased and thereby, she had committed suicide. The incident had occurred within 5 years from the date of her marriage. The victim had disclosed the harassment caused to her to the complainant when he met her after the incident. The applicant - accused has abetted the deceased to commit suicide on account of constant torture caused to her.

5 I have perused the charge-sheet. The statement of Pushpa (deceased) was recorded on 30.12.2017. In the said statement she has stated that there used to be disputes between victim, the deceased, her father-in-law and sister-in-law and hence, since last six years she was residing separately with her husband. Earlier, there was a quarrel between her and the applicant on domestic reasons and she has also lodged a complaint with the police. She wanted to visit her parents in Uttar Pradesh. She informed her husband on 30.12.2017 that she intends to visit her parents and at that time her husband (applicant) had told her that he does not have money and he would send her to her parents on 10.01.2018. There

was quarrel between them as she wanted to visit her parents on the same day and without accepting her request, the applicant left the house. Being enraged of the response of husband, she poured kerosene and set herself on fire. On perusal of the said statement, it is apparent that there is no allegation of demand of dowry by the applicant or any other person. She had referred to quarrels between them. She was residing separately with her husband. The cause of incident is that she was not permitted to go to her parents house. Similarly, the statement of the daughter of the applicant was also recorded, which reflects that there used to some quarrels between the sister-in-law and father -in-law and her mother. Beyond that nothing is mentioned against the applicant accused. The history which was recorded during the medical examination refers post incident of consuming pesticide 5 years ago when she was pregnant.

6 Taking into consideration overall circumstances, it can be seen that the victim has not referred to the demand of dowry by the applicant or his relations. The accused is being charged for an offence under section 304-B. The investigation is complete and charge-sheet is filed. History recorded during medical examination refers to earlier incident of consuming poison. The current incident is result of pity quarrel between applicant and victim which is reflected in her statement.

7 In the circumstances, the case for grant of bail is made out by the applicant. Hence, I pass following order :

ORDER

- i. The bail application no. 1678 of 2018 is allowed.
- ii. The applicant be released on bail in connection with the C.R. No. 10 of 2018 registered with Vakola Police Station on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- iii. The applicant shall report investigating officer once in a month, on first Saturday of every month, between 10 to 12 pm till further orders.
- iv. The applicant shall attend the trial court during the course of hearing till the conclusion of the trial.
- v. The applicant is permitted to furnish a cash security of Rs. 25,000/- for a period of four weeks.

The bail application is disposed of in the above terms.

(PRAKASH D. NAIK, J.)