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

CRIMINAL BAIL APPLICATION NO. 2230 OF 2018

Krishna Ajay TiwariApplicant

V/s.

The State of MaharashtraRespondent

**WITH
CRIMINAL APPLICATION NO. 1110 OF 2018
IN
CRIMINAL BAIL APPLICATION NO. 2230 OF 2018**

Nilesh Chandrashekhar TiwariIntervener

IN THE MATTER BETWEEN

Krishna Ajay TiwariApplicant

V/s.

The State of MaharashtraRespondent

Mr. Girish Kulkarni i/b Kripashankar Pandey for the Applicant
Mr. S. R. Agarkar APP for the State
Mr. Pankaj R. Dubey for the Intervener
Mr. V. V. Arolkar, PI, Borivali Police Station

CORAM : NITIN W. SAMBRE, J.

DATE : 22nd NOVEMBER, 2018.

P.C.

In crime no. 214 of 2018 registered with Borivali Police Station for offence punishable under Sections 304 (B), 306 r/w 34 of the Indian Penal Code, the Applicant came to be arrested on 26/04/2018 and was charge-sheeted.

2 There are no criminal antecedents.

3 Perused the entire charge-sheet. The role attributed to the present Applicant is that of demand of dowry and as such his conduct abetted the act of suicide by the deceased Pooja i.e. his wife.

4 No doubt the death has occurred within period of 7 years from the date of marriage and as such, the Prosecution is justified in invoking provisions of Section 304(B) of the Indian Penal Code. However, it is noticed that when the F.I.R. was lodged, there was no specific attribution against the Applicant of demand of dowry, however, the same is inserted by way of supplementary statement. The payment of dowry is sought to be justified for which the source appears to be the elder brother of the Complainant, however, there

is no supporting and justifiable material viz. bank entries etc. brought on record.

5 In the aforesaid background, the Applicant who is behind the bar for almost last more than five months, in my opinion, deserves to be released. The Applicant be released on bail in crime no. 214 of 2018 registered with Borivali Police Station for offence punishable under Sections 304 (B), 306 r/w 34 of the Indian Penal Code on furnishing P.R. Bond in the sum of Rs. 25,000/- with two sureties in the like amount. The Applicant shall not influence or tamper with the evidence. On two consecutive absence before the Trial Court, will entail cancellation of bail by the same Court.

6 The Application stands disposed of.

7 Intervention Application is also disposed of accordingly.

[NITIN W. SAMBRE, J.]