

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.653 OF 2018

(Smt. Neelam Sudeep Devdiya (Jain) Vs. State of Mah thr. PSO PS Shantinagar,
Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri S.S. Jaiswal, Advocate for Applicant.
Shri N.H. Joshi, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 13th JULY, 2018.

The applicant is arrested in Crime 51/2018 registered with the Police Station Shantinagar, Nagpur for offence punishable under section 304(b), 306 read with section 34 of the Indian Penal Code and section 3 and 4 of Dowry Prohibition Act.

2] The offence is registered on the basis of the complaint lodged by Shri Santosh Kumar Jain, the father of the deceased Sarika Jain. The first information report and the supplementary statements together endeavour to rope in as many as 11 members of the matrimonial family of deceased Sarika. The applicant is the wife of the brother-in-law of the deceased. The husband of the deceased is protected by an interim order of the learned Sessions Judge. The father-in-law and sister-in-law of the deceased are released on regular bail by the Sessions Judge. A statement is made at the bar that the other co-accused are also protected by interim orders of the Sessions Judge.

3] The general allegations made against all family members apart, according to the learned A.P.P. Shri Joshi the specific allegation against the present applicant is that she and the husband of the deceased were in an illicit relationship which was a major reason for the deceased to take the extreme step. Shri Joshi however, states that the investigation is on going and the role which is presently attributed to the applicant may possible be enlarged subject to the material unearthed.

4] The applicant is a woman and the only allegation which is specific and different than those faced by the other co-accused is that she and the husband of the deceased were in an illicit relationship. At least at this stage, it is difficult to observe, even *prima facie* that an illicit relationship is suggestive of *mens rea* to drive the deceased to commit suicide. I do not see any justification in continuing with the incarceration of the applicant in custody.

5] The application is allowed

[i] The applicant be released on bail on her furnishing a personal bond of Rs.15,000/- with a solvent surety of the like amount.

[ii] The applicant shall not tamper with the evidence nor shall the applicant directly or indirectly attempt to influence the witnesses in any manner.

Hamdast granted.

JUDGE