

Anand

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

BAIL APPLICATION NO. 976 OF 2019

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|----|---------------------------------------|-------------|
| 1. | Neeludevi @ Meeradevi Amrendra Mishra | .Applicants |
| 2. | Amrendra Vaijnath Mishra | |
| 3. | Rohan Amrendra Mishra | |
| 4. | Roshan Amrendra Mishra | |

Vs.

The State of Maharashtra	.Respondent
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Mr. Rajiv Patil, Senior Counsel a/w Mr. Hasan Pasha Patel, for the Applicants
 Mr. S. S. Hulke, APP, for the Respondent – State
 Mr. Indra Redkar, Advocate, for the Complainant

CORAM : REVATI MOHITE DERE, J.

DATE : 16.09.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek their enlargement on bail in connection with C. R. No. I-410 of 2019 registered with the Narpoli Police Station, District – Thane, for the alleged offences punishable under Sections 304(B)(2), 306, 498A r/w 34 of the Indian Penal Code.

3. Perused the papers. The Applicant No. 1 is the mother-in-law of the deceased – Poonam; the Applicant No. 2 is the father-in-law

and the Applicant Nos. 3 & 4 are the brother-in-laws of the deceased – Poonam. The deceased – Poonam was married to Sohan on 05.05.2018 and on 15.10.2018, Poonam committed suicide by consuming Phenyl in her matrimonial home. The consumption of Phenyl was disclosed to Poonam's relatives by the Applicant No. 2. The Applicant No. 2 also disclosed that they had taken Poonam to the hospital for treatment. Poonam expired in the hospital on 16.10.2018, pursuant to which the aforesaid FIR was lodged by her brother – Harishkumar Jha. During the course of investigation, the Applicants were arrested. Learned senior counsel for the Applicants submitted that a perusal of the statement of Poonam's father recorded on 16.10.2018 shows that no allegations of any ill-treatment were made by him, against the Applicants. In the said statement, Poonam's father has stated that the maternal relatives did not go for the last rites and that the last rites were performed by Poonam's husband – Sohan and that they had no objection to the same. He further submits that after a week thereafter i. e. on 22.10.2018, Poonam's father has made allegations of dowry demand and of assault by the Applicants and co-accused – Sohan. There are allegations even of serving stale food to Poonam by the Applicant No. 1. Learned senior counsel for the Applicants also relied on the statement of a neighbour – Anis Ansari recorded on 18.10.2018, wherein the said witness has not made any allegations as against the Applicants. A perusal of the statement of Dr. Archana Gaikwad shows that Poonam was two months' pregnant on

04.10.2018, when she visited the hospital alongwith her husband – Sohan. She has stated that as Poonam was bleeding, her sonography was done and it was found that the heart beats of the fetus had stopped, pursuant to which, she was advised abortion. She has further stated that on 05.10.2018, Poonam's abortion was performed. He submits that the deceased committed suicide soon after her abortion and that the allegations made against the Applicants are baseless. Learned counsel for the Complainant submits that the messages sent by Poonam just a few minutes prior to consuming Phenyl will show the complicity of the Applicants. He submitted that the said messages sent by Poonam, show that the accused were assaulting her and were giving her stale food. The allegations as against the Applicants are of dowry demand and of assault and of giving stale food. The Applicants are in custody since 16.10.2018. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, the Application is allowed and the Applicants are enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicants be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 20,000/- each** with one or two local sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of

the concerned police station on the **first Saturday of every month** between **10.00 a. m. and 11.00 a. m.** till framing of charge;

(iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicants to co-operate with the conduct of the trial;

(vi) The Applicants shall file an undertaking with regard to Clauses (ii) to (v) in the trial Court, within two weeks of their release;

(vii) If there are two consecutive defaults either in attending the police station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicants' bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits,

in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)