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

CRIMINAL BAIL APPLICATION NO.2032 OF 2019

Bhuvneshwar Alupinarayan Tiwari ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr.B.J.Sarwade, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI – Tushar Kale, Powai Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th SEPTEMBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.110 of 2019 registered with the Powai Police Station, Mumbai, for the alleged offences punishable under Sections 304B, 306, 498A, 323, 504, 506, 34 of the Indian Penal Code.
3. Perused the papers. The applicant is the father-in-law of

deceased – Ritu Tiwari. Deceased – Ritu got married to the applicant's son – Ravindra Tiwari on 28th April, 2016 and from the said wedlock the couple had one daughter. According to the prosecution, after marriage, Ritu was residing with her husband and in-laws. It is alleged that after marriage, her in-laws started harassing Ritu for not bringing articles in marriage. According to the prosecution, pursuant to the demand, articles like Fridge, Dish TV, Cooler were given to Ritu's in-laws. It is further alleged by the prosecution that her in-laws were unhappy that Ritu gave birth to a girl child and were ill-treating her. It is alleged by the prosecution, that Ritu committed suicide on 4th March, 2019 at about 4.00 p.m. In her dying declaration dated 4th March, 2019, Ritu had stated that she was in the pooja room, when the *diya* which she had lit fell on her saree, pursuant to which, her clothes caught fire. She has stated that she had locked the door of the pooja room from inside. According to Ritu, she started shouting, pursuant to which, her mother-in-law, husband and neighbours came and extinguished the fire, after breaking open the door and her mother-in-law and husband took her to the hospital for treatment. As far as Ritu's dying declaration is concerned, there are no allegations made by Ritu against the applicant or any other co-accused. It appears that the applicant was not present at the time when the alleged incident took place. The applicant is in custody since March, 2019 and investigation is complete and charge-sheet

is filed.

4. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.25,000/-, for a period of six weeks;
- ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- iii) The Applicant shall inform his 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 trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court.

5. The Application is allowed and disposed of in above terms.

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.

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

REVATI MOHITE DERE, J.