

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1630 OF 2019

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|----|--------------------------|-------------|
| 1. | Vijay Prakash Verma | .Applicants |
| 2. | Meera Sharan Vijay Verma | |
| 3. | Vijeta Vijay Verma | |

Vs.

The State of Maharashtra	.Respondent
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Mr. Viresh V. Purwant, Advocate, for the Applicants
 Mr. P. H. Gaikwad-Patil, APP, for the Respondent – State
 Mr. Nitin Kaskar, Advocate, for the Complainant

CORAM : REVATI MOHITE DERE, J.

DATE : 23.08.2019

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C. R. No. I-646 of 2019 registered with the Waliv Police Station, Palghar, for the alleged offences punishable under Sections 304-B, 406, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Perused the papers. The Applicant No. 1 is the father-in-law of the deceased – Jyotibala and the Applicant Nos. 2 & 3 are the mother-in-law and sister-in-law respectively of the

deceased. Deceased – Jyotibala got married to Vimal on 29.11.2017. It appears that after marriage, Jyotibala started residing with her in-laws at Patna, as she was working with the New India Assurance Company, whereas Jyotibala's husband – Vimal was residing at Faizabad in Uttar Pradesh, where he was working as a Bank Manager in the Bank of Baroda. As there was certain allegations of cruelty / harassment as against the Applicants and co-accused – Vimal, the Complainant – Reena (mother of Jyotibala) took her home, on 03.08.2018, as Jyotibala was under stress having regard to the allegations and as Jyotibala was pregnant. On 13.03.2019, Jyotibala gave birth to a boy, however, none visited to see the newborn. On 29.05.2019, Jyoti Bala came to Mumbai to reside with her sisters, post delivery and committed suicide on 09.06.2019. According to the prosecution, the Applicants & Vimal used to abuse and harass Jyotibala mentally i. e. were demanding Rs. 10,00,000/-, a Baleno car & her salary, and the Applicant Nos. 2 & 3 are even alleged to have assaulted Jyotibala and did not allow her to visit her maternal house, alone. The Complainant has alleged that Jyotibala disclosed to her the alleged cruelty meted out to her by

the Applicants & Vimal. A perusal of the FIR shows that although there are some allegations as against the Applicants herein, however, the major allegations are as against co-accused – Vimal (Jyotibala's husband). The allegations made against co-accused – Vimal will be dealt with separately whilst deciding his Application for pre-arrest bail and as such, is not required to be dealt with in the present Application. On 29.07.2019, interim protection was granted to the Applicants. The Applicants were directed to handover the stridhan and the belongings of the deceased to the Complainant / Investigating Officer of the concerned police station. Learned counsel for the Applicants states that the Applicants have handed over articles worth Rs. 4,00,000/- belonging to the deceased and have deposited cash of Rs. 1,00,000/-. Learned counsel for the Complainant disputes the same. He submits that all the articles i. e. Jyotibala's stridhan has not been deposited by the Applicants. The Applicants have reported to the investigating officer as directed by the interim order. As far as the allegations as against the Applicants are concerned, the same are made during the period 29.11.2017 to 03.08.2018. As noted above, the deceased committed suicide on

09.06.2019, at her sister's residence in Mumbai. As noted earlier, the allegations in the FIR to a great extent are as against her husband – Vimal.

4. Considering the aforesaid, the Applicants' Application is allowed and the interim relief granted to the Applicants vide order dated 29.07.2019 is confirmed on the following terms & conditions :-

ORDER

- (i) In the event of arrest, the Applicants be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 25,000/- each** with one or two sureties in the like amount;
- (ii) The Applicants shall report to the investigating officer of the concerned police station on **16th & 17th September, 2019** between **10.00 a. m. and 1.00 p. m.** and thereafter, **as & when called for** by the investigating officer till the filing of charge-sheet;
- (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 co-operate with the investigation.

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 are confined to this Application.

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

(REVATI MOHITE DERE, J.)