

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1631 OF 2019

Vimal Vijay Verma

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Manoj S. Mohite i/b. 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 Applicant seeks 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. Learned counsel for the Applicant submits that no offence as alleged under Sections 304-B & 498A is disclosed as against the Applicant. He submits that the relationship between

the Applicant and the deceased – Jyotibala was a long distance relationship and that the Applicant and the deceased hardly stayed together. He submits that the Applicant was working as a Bank Manager with the Bank of Baroda, Faizabad, Uttar Pradesh, whereas, Jyotibala was working as a Class-I Officer in Patna, Bihar. The Applicant is the husband of the deceased – Jyotibala. They were married on 29.11.2017. It appears that after marriage, the couple went for honeymoon and thereafter, the Applicant came to Faizabad, Uttar Pradesh, where he was working as a Bank Manager and the deceased started residing with her in-laws at Patna, where she was working. It appears that as there was a demand of Rs. 10,00,000/- and a car by her husband and in-laws, she had reported the same to her mother i. e. the Complainant on phone. Jyotibala also disclosed that the Applicant and in-laws were instigating that she handover her salary to her in-laws. According to the Complainant – Reena (mother of Jyotibala), the Applicant and in-laws were harassing her both physically and mentally for the same. It is further alleged by the Complainant that the Applicant would threaten Jyotibala that his uncle was working in the High Court at Patna, Bihar as a lawyer, and that

she could not take action against his family. It is further alleged that when her daughter – Jyotibala disclosed to her husband that she was pregnant on 02.08.2018, the Applicant told her that he did not want the child and that she should abort the child, which Jyotibala refused. It is alleged that pursuant thereto, the Applicant went to Patna and abused Jyotibala and assaulted her and gave her pills for abortion and forced her to consume the same. The Complainant has alleged that her daughter – Jyotibala went to the bathroom, called her and disclosed the said fact to her. The Complainant has further stated that as Jyotibala did not want to abort her child, she alongwith her husband and other relatives went to Patna and explained to the family of the Applicant, however, they refused to listen. The Complainant has further alleged that Jyotibala had informed her, that the Applicant was going to take her to a Doctor to abort the child and that she was under tremendous stress. Pursuant thereto, the Complainant brought Jyotibala home. She has stated that after Jyotibala came to her maternal house, the Applicant would call her and would threaten her to abort the child, however, Jyotibala refused to abort the child. She has further stated that on 14.12.2018, an

Information Petition No. 4185 (M) of 2018 was lodged in the Court of the Chief Judicial Magistrate at Patna, alleging that the accused were demanding money, were harassing Jyotibala mentally and physically and that there was a possibility of the accused aborting the child. On 13.03.2019, Jyotibala gave birth to a child, however, none of the accused including the Applicant went to see the child. A perusal of the diary maintained by Jyotibala, Emails, recorded telephonic conversation clearly show the pressure exerted by the Applicant to abort the child. Messages have also collected during investigation, which prima facie show the complicity of the Applicant, that the Applicant was compelling and threatening Jyotibala to abort the child, resulting in Jyotibala subsequently committing suicide. Cruelty need not always be physical. Infact, at times, mental cruelty can be graver, as is evident in the present case.

4. Considering the nature of allegations as against the Applicant, this is not a fit case to grant pre-arrest bail to the Applicant. Hence, the Application stands rejected.

5. It is made clear that the observations made herein are prima facie for deciding the aforesaid Application. If an Application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)