

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2251 OF 2019

Chayabai Vilas Pasage

...Applicant

Versus

The State Of Maharashtra

...Respondent

....

Mr. Ghanshyam Jadhav i/b. B. a. Aloor, Advocate for the Applicant.

Mr. S.H. Yadav, APP, for the Respondent-State.

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CORAM : SARANG V. KOTWAL, J.

DATE : 15th OCTOBER, 2019

P.C.

1. The applicant is seeking anticipatory bail in connection with C.R. no.443/2019 registered with Indapur Police Station under Sections 302, 304-B read with 34 of I.P.C.

2. The FIR is lodged by one Ramchandra Rai. He has stated in the FIR that his daughter Ankita was married to applicant's son Vijay in August, 2016. At the time of marriage, the applicant and Vijay had demanded Rs.2 Lakhs as dowry. The first informant had given only Rs.1 Lakh and the balance amount was to be paid after the marriage.

3. After their marriage, the deceased started residing with

the applicant's son Vijay. At that time, the applicant and Vijay used to harass her and assault her. The deceased gave birth to a daughter six months prior to the incident. Vijay's first wife Vaijainta came back to reside with them. Ankita told the informant telephonically about this fact. The informant questioned Ankita's husband. That time he told him that Vaijainta was demanding Rs.5 Lakhs and instead of paying alimony he was allowing her to reside with him. From that time, all of them including the applicant continued harassing the deceased and were demanding Rs.1 Lakh. The deceased was continuously complaining about this fact to the informant and his wife. The deceased Ankita was pregnant and was in the fifth months of her pregnancy. Ankita's husband forced her to terminate the pregnancy. On 22.7.2019, Ankita suffered burns in suspicious circumstances. The informant went there and asked her about the reason of her suffering burns. At that time she told him that the applicant, Ankita's husband Vijay and Vaijainta poured kerosene on her person at 4:00 p.m. on 22.7.2019 and set her on fire. The deceased succumbed to her injuries on 25.7.2019 and thereafter this FIR was lodged.

4. I have heard Shri Ghanshyam Jadhav, learned counsel

for the applicant and Shri S.H. Yadav, learned A.P.P. for the State.

5. Learned Counsel for the applicant submitted that the applicant was residing separately from the couple and she had nothing to do with the incident. The oral dying declaration is not reliable and, therefore, cannot be a basis for rejecting anticipatory bail application.

6. Learned A.P.P. submitted that the offence is clearly made out in the FIR. He submitted that, therefore, custodial interrogation of the applicant is necessary.

7. I have considered all these submissions. Today, the investigating officer is not present. However, contents of the FIR itself shows that the applicant was continuously harassing the deceased on demand of dowry and there are allegations that she had participated in setting the deceased on fire. At this stage, this oral dying declaration cannot be ignored. Custodial interrogation of the applicant is necessary. Hence, no case for anticipatory bail is made out. Application for anticipatory bail is rejected.

(SARANG V. KOTWAL, J.)