

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (ABA) No.335 of 2019
(Sumant Suresh Multane .vs. State of Maharashtra through PSO PS
Brahmapuri)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. P.S. Tiwari, Advocate for Applicant.
Mr. J. Y. Ghurde, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : June 19, 2019.

The applicant herein is one of the accused in respect of FIR dated 05.05.2019 registered against him and the other accused for offence under Section 304-B read with 34 of the I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The applicant is the husband of the deceased and the other accused persons are the in-laws of the deceased. All the accused persons except the applicant herein have been granted anticipatory bail.

2. The incident in the present case occurred on 26.04.2019 when the victim was found dead, having consumed poison. A marg to that effect was registered on 27.04.2019 at the behest of father of the applicant. After more than a week from the date of the incident, the sister of the victim i.e. the complainant submitted a written complaint on 05.05.2019 before the concerned Police Station at Brahmapuri, district Chandrapur, alleging that the applicant and the other accused

persons were responsible for the death of her sister as they were harassing her while demanding dowry and that attempts made by the complainant and her family to get offence registered against the accused had failed because the local Police had not cooperated.

3. On the basis of the said written complaint submitted by the complainant on 05.05.2019, the aforesaid FIR was registered.

4. It has come on record that the inquest panchanama did not show any external injury on the body of the deceased, indicating that she had perhaps consumed the poison on her own. A perusal of the written complaint filed by the complainant shows that the accused persons including the applicants herein had allegedly demanded Rs.80,000/- from the deceased and that she had communicated the said fact to the family of the complainant one day prior to the incident. It is claimed by the complainant that on the basis of such demand of dowry, the deceased was harassed repeatedly and that the accused had, therefore, committed the offences registered against them.

5. The learned counsel for the applicant has submitted that all the other accused persons were granted anticipatory bail but only the applicant was denied the same. If the tenor of the written complaint given by the complainant is appreciated, it appears that the nature of allegations made against all the accused are in general terms and only one specific incident, one

day prior to the day when the deceased consumed poison, is stated in the written complaint. In this situation, when the post mortem of the body has been conducted and the viscera has been sent for chemical analysis with a *prima facie* opinion that the death was due to poisoning, it is not brought out by the non-applicant-State as to why custody of the applicant is required. As noted above, no external injuries were found on the body of the victim, thereby indicating that perhaps she had consumed the poison on her own. The nature of allegations made against all the accused persons seem to be of general nature and, therefore, the applicant also deserves to be granted anticipatory bail.

6. It is significant that the applicant has a two years old child and for this reason also, the applicant deserves to be released.

7. While issuing notice on 06.06.2019, this Court granted conditional ad-interim protection to the applicant in the following terms:-

"In the event of arrest of the applicant in Crime No. 369 of 2019 registered in Police Station Brahmapuri, district Chandrapur, he shall be released on bail on furnishing P.R. bond of Rs.50,000/- (Rs. Fifty Thousand) and a surety of like amount, on the further condition that he shall not leave the jurisdiction of Police Station Brahmapuri, district Chandrapur, during the pendency of the present application. The applicant is further directed to cooperate with the investigation and to make himself available to the Investigating Officer as

and when required. The applicant shall not tamper with the evidence and influence the witnesses."

8. In view of the above, the present application is allowed and the applicant is granted anticipatory bail on the terms specified in order dated 06.06.2019 passed by this Court whereby ad-interim protection was granted to the applicant. It is clarified that the condition imposed on the applicant that he should not leave the jurisdiction of Police Station Brahmapuri, district Chandrapur, shall continue to operate only till the filing of charge-sheet.

JUDGE

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