

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

CRIMINAL BAIL APPLICATION NO.569 OF 2020

Arun Appa Gavali

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr.Umesh Pawar a/w Mr.Bhavake for the Applicant.

Mr.Y.M. Nakhawa, APP for the Respondent-State.

Nilam
Kamble

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by Nilam Kamble
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CORAM : C.V. BHADANG, J.

**DATE : 25th NOVEMBER 2020
(Through Video Conference)**

P.C.

1. This is an application for bail.

2. The applicant is facing prosecution for the offence punishable under Section 498A, 304B read with Section 34 of Indian Penal Code.

3. The applicant was married with Shweta daughter of the complainant Mr.Sanjay Khot on 08th January 2020. According to the complainant Mr.Sanjay Khot, Shweta was treated well for the initial period of six months after marriage and thereafter there were

quarrels and disputes between Shweta and the applicant and his mother Ratnabai. It is alleged that after some time the applicant along with his wife Shweta started living separately. However, according to the complainant the applicant was demanding an amount of Rs.50,000/- from Shweta for purchase of a house and on account of the non-satisfaction of the demand she was being ill treated. It is alleged that after Shweta delivered a girl child at her maternal place the applicant came to see them only after one month. When he went to see the applicant said that he does not want to see his wife. After Shweta returned to her matrimonial house, she committed suicide on 14th October 2019 at about 10.15 a.m. by setting herself on fire. On the basis of the complaint lodged by Sanjay Khot the offence came to be registered and after investigation a charge-sheet is filed.

4. I have heard the learned counsel for the applicant and the learned Additional Public Prosecutor. Perused record.

5. It is submitted by the learned counsel for the applicant that there was no ill-treatment as alleged and Shweta set herself on fire when the applicant was away from his house. It is submitted that after learning about the incident, the applicant reported the

incident to the police. Insofar as the alleged demand of Rs.50,000/- is concerned the learned counsel for the applicant has pointed out a Sale Deed dated 19th January 2019 under which the applicant has purchased a residential plot for Rs.1,20,000/-. It is said that this plot was purchased when his wife was at her maternal place and therefore the allegation that the applicant was demanding Rs.50,000/- for purchase of the residential house is not acceptable. Secondly, the learned counsel for the applicant has produced a copy of cash receipt dated 24th June 2019 by which an amount Rs.20,000/- is shown to be deposited in the account of the complainant Sanjay Khot. According to the learned counsel for the applicant this amount is deposited by the applicant and therefore it is submitted that it was the applicant who was supporting the complainant in case of need. He submitted that the investigation is complete and further detention of the applicant behind bars is not necessary.

6. The learned Additional Public Prosecutor has submitted that the deceased committed suicide within two years of the marriage and she was having a daughter of less than six months of age. It is submitted that this itself would show that the deceased was suffering ill-treatment at the hands of the applicant and the in-

laws. It is submitted that the presumption under Section 113B of the Evidence Act, would be attracted in this case. He therefore, submitted that the applicant is not entitled for bail.

7. I have considered the rival circumstances and the submissions made. The deceased committed suicide with in less than two years of the marriage. There are specific allegations of a demand of Rs.50,000/- for purchase of a house in the complaint. There are also specific allegations about the deceased being subjected to ill treatment on account of the non-satisfaction of the said demand. This is not the stage where the prosecution case or the defence can be examined in details so as to record any final opinion. Circumstances about purchase of the residential plot cannot out weigh the other circumstances. The offence is punishable with imprisonment which is not less than 7 years but which may extended to imprisonment for life. The receipt for Rs.20,000/- *prima facie* does not indicate as to who had deposited the said amount. Considering the overall circumstances, I do not find that this is a fit case for grant of bail. The application for bail is rejected.

C.V. BHADANG, J.