

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

CRIMINAL BAIL APPLICATION NO. 2925 OF 2019

Ravindra Bhuvaneshwar Tiwari

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Bhaskar J. Sarwade for Applicant.

Mr. R. M. Pethe, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th NOVEMBER, 2020

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.110 of 2019 registered with Powai Police Station on 05/03/2019, under sections 304-B, 306, 498A, 323, 504 and 506 r/w. 34 of the Indian Penal Code. The applicant is arrested on 07/03/2019 and since then he is in custody.

2. Heard Shri. Bhaskar Sarwade, learned counsel for the applicant and Shri. Pethe, learned APP for the State.

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3. The FIR is lodged by one Sunil Mishra on 05/03/2019 in respect of suicide committed by his sister Sanju @ Ritu. The applicant is husband of Ritu. It is mentioned in the FIR that the marriage of applicant and Ritu had taken place on 28/04/2016. At that time the first informant had given Rs.2 lakhs in cash, other household articles and a two wheeler to the applicant. The informant's sister and the applicant were residing at Jogeshwari Vikroli link road, Powai, Mumabi. They were residing with other family members of the applicant. Whenever Ritu used to visit her parental house, she used to complain that she was being harassed at the applicant's place. In particular, her mother in law used to taunt her on her looks and also on the fact that sufficient articles were not given in the marriage. The FIR mentions that, Ritu had told her sister Bindu that the applicant and all the family members used to taunt her on similar grounds. Ritu had also complained about the same to the first informant. On 15/08/2019, Ritu delivered a girl child and since then her harassment increased manifold. In the year 2018, around Rakshabandhan, Ritu's mother in law Vimladevi demanded Rs.1 lakh. It is alleged that the

applicant was threatening to divorce Ritu and, therefore, she was disturbed. On 04/03/2019 Ritu committed suicide by setting herself on fire in her matrimonial house. Based on these allegations the FIR is lodged.

4. Learned counsel for the applicant invited my attention to the Dying Declaration recorded on 04/03/2019. It was recorded by P.S.I. attached to Powai police station. In that dying declaration the deceased had stated that it was a case of accidental burns. She was performing pooja and while she was lighting a lamp, the lamp fell on her saree which caught fire resulting in the burn injuries suffered by her. He also invited my attention to various statements of neighbours who were present at the time of incident. He submitted that the applicant had not committed any act which could fall within sections 304-B, 306 and 498A of the IPC.

5. Learned APP, on the other hand, submitted that the deceased had a small daughter and unless she was harassed so much, she would not have committed suicide. The very fact that

she committed suicide in these circumstances show that harassment was of unbearable. He submitted that the allegations are clearly made in the FIR, as well as, in the statements of the witnesses and, therefore, the applicant does not deserve to be released on bail. He also submitted that the dying declaration is not in consonance with the spot panchanama and it shows that the statement was given by the deceased only to protect the applicant who was her husband.

6. I have considered these submissions. I have read the dying declaration. I have also read the statements of the neighbours namely Mohd. Javed Shaikh and Govind Gaud. They have stated that on 04/03/2019 in the afternoon they had seen smoke coming out from the applicant's house. The door was bolted from inside. It was broken open. Ritu was seen in burning condition. Mohd. Shaikh poured water on her and thereafter the applicant himself removed her to the hospital. Similar is the statement of Govind Gaud. Besides this, Govind Gaud has also stated that, on the day of Raksha Bandhan the mother in law of

the deceased had quarreled with her and had asked her to bring money from her parental house. There are statements of other witnesses namely Sonidevi Gaud i.e. wife of Govind Gaud, Jayshankar Tiwari and Anand Mishra. In all the statements, the allegations are specifically made against Vimladevi i.e. mother of the applicant. In all these statements, hardly any role of harassment is attributed to the present applicant. The conduct of the applicant also shows that he has tried to save Ritu's life. The applicant is in custody since 07/03/2019. The investigation is over. His further custody for investigation purpose is not necessary. Considering this background and above discussion, the applicant deserves to be released on bail during the pendency of the trial.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No.110 of 2019 registered with Powai Police Station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) Looking at the prevailing circumstances, it may not be possible for the applicant to furnish sureties immediately. Therefore, initially the applicant is permitted to furnish cash bail for the same amount. The applicant will have to furnish the sureties, as directed, within three months from today.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)