

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

CRIMINAL BAIL APPLICATION NO. 63 OF 2021

1. Anil Chandrayya Dasari
2. Chandrayya Bhumayya Dasari ... Applicants

Versus

The State of Maharashtra ... Respondent

.....

Vridhhi Maria i/b. Mr. Shantanu R. Phanse i/b., for the Applicants.
Mrs. M. R. Tidke, APP for the Respondent – State.
Mr. S. B. Barela, A.P.I., Bhiwandi City Police Station.

.....

CORAM : PRAKASH D. NAIK, J.
DATE : 19th MARCH, 2021

PC :

1. The applicants are arrested on 29th January 2020 in connection with C.R.No.I-34/2020 registered with Bhiwandi City Police Station, Dist. Thane, on 28th January 2020 for offence punishable under Sections 306 and 498(A) read with 34 of Indian Penal Code, 1860. Subsequently, Section 304-B of Indian Penal Code was added.

2. The complaint was lodged by the father of deceased. The marriage of the deceased and applicant No.1 was solemnized on 29th May 2019. It is alleged, that the accused were harassing the victim. The complainant had made an application prior to the marriage for

Manish
S. Thatte

Digitally signed by
Manish S. Thatte
Date: 2021.03.22
11:35:54 +0530

obtaining the facility the amount of Rs.1 Lakh for performing marriage in some scheme. The said Rs.1 Lakh was not parted to the accused and therefore, there was alleged harassment. The victim was pregnant. There was miscarriage. The victim committed suicide on 27th January 2020 by hanging to ceiling fan matrimonial home. The accused were arrested. On completing investigation, the chargesheet was filed.

3. The F.I.R. was registered against the husband (applicant No.1), father-in-law (applicant No.2) and mother-in-law (accused No.3). Apparently the allegations against all the three accused were similar. The mother-in-law had preferred an application for anticipatory bail before the Sessions Court which has been allowed.

4. Learned Counsel for the applicants submits that the applicants are in custody for substantial period of time. They do not have any criminal antecedents. There was no harassment to compel victim to commit suicide. The victim was disturbed on account of miscarriage. There was no demand for dowry. The offences under 306 of I.P.C. is not attracted.

5. Learned APP submitted that the incident of suicide had occurred within short span of time after the marriage. The F.I.R.

attributes role of harassment to the applicants. The offences under Section 306 and 304B of Indian Penal Code as well as 498-A of Indian Penal Code are made out. The victim was compelled to commit suicide.

6. Investigation is complete. Chargesheet is filed. The applicants are in custody for more than a year. The co-accused has been granted bail. On perusal of F.I.R. it appears, that the complainant and applicant No.1 had visited the house of friend of applicant No.1. At that time, there was a quarrel between applicant No.1 and the victim as she was talking to somebody else on phone. Applicant No.1 had allegedly assaulted. The statement of friend of applicant in whose house the alleged incident had occurred is not recorded.

7. Considering the factual aspects as stated above, further detention is not necessary.

8. Hence, the following order.

ORDER

- (i) Bail Application No.63 of 2021, is allowed.
- (ii) The applicants are directed to be released on bail in C.R.No.I-34/2020 registered with Bhiwandi City Police Station, Dist. Thane, on executing P.R. bond in the sum of Rs.25,000/- with one or more

local sureties in the like amount;

- (iii) The applicants shall attend the concerned Police Station once in three month on first Saturday of month between 11.00 a.m. to 01.00 p.m. till further order;
- (iv) The applicants shall not tamper with evidence;
- (v) Bail Application No.63 of 2021 stands disposed of accordingly.

(PRAKASH D. NAIK, J.)