

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

ANTICIPATORY BAIL APPLICATION NO. 396 OF 2021

Sameer Yuvraj Ghogare	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Tanveer Khan, for the applicant.

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

PSI Mr. K.S.Tanpure, Sinhagad Road Police Station,Pune
present.

**CORAM:SARANG V. KOTWAL, J.
DATE :11th FEBRUARY 2021**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No. 12 of 2021 registered at Sinhagad Road Police Station, Pune, on 07/01/2021 under Sections 306,498-A, 323, 504 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Tanveer Khan, learned Counsel for the applicant and Mr. S.H. Yadav, learned APP for the State.

3. The FIR was lodged on 07/01/2021 by one Ishwar Bhosale who is the father of the deceased Vidya. She was married to the present applicant in the year 2008. They had two daughters aged 11 years and 6 years. It is alleged in the FIR that after their marriage, initially their relations were good. Subsequently, the applicant demanded Rs. 1 lakh for helping him financially in buying a flat. The first informant had given him that money. On 5/3/2015, Vidya delivered her second daughter and since then the applicant and his family members started harassing the deceased even more. Within 10 days of her second delivery, the applicant had assaulted her in front of his family members. At that time, elders in the village had taken initiative and had pacified the parties. Thereafter, the applicant developed addiction of liquor and since then Vidya's life became miserable. The applicant used to beat her after consuming liquor. Vidya came to know that the applicant was having extra marital affair and therefore she was not happy. On that count, there used to be frequent quarrels between the applicant

and the deceased. On 4/12/2020, Vidya had told her sister that the applicant's sister and mother instigated him and the applicant had mercilessly beaten her, after consuming liquor. On 6/12/2020 Vidya set herself on fire. She was admitted in the hospital. She survived for few days and she succumbed to her burn injuries on 31/12/2020. On this basis the FIR was lodged.

4. The learned Counsel for the applicant submitted that the marriage had taken place in the year 2008. This shows that there was good relationship between the couple over a long period. He submitted that there are no allegations against the present applicant of causing harassment. Even after the deceased had suffered burn injuries, the applicant had borne all the medical expenses and extended all possible support to her. He submitted that after the death of deceased, FIR was belatedly lodged as an after thought.

5. The learned APP opposed this application. He

produced the investigating papers before me. They contain the Dying Declaration of the deceased and statement of the applicant's own father who has given statement against him.

6. I have considered all these submissions. The Dying Declaration mentions that the victim did not want to give complaint against the applicant. However, it is also stated in the Dying Declaration that the applicant had beaten her, given filthy abuses and because of that she poured kerosene on herself and set herself on fire. That was the immediate cause.

7. The FIR as well as the Dying Declaration recorded on 7/12/2020, makes out strong case against the present applicant of causing harassment to the extent that the deceased was compelled to commit suicide. Therefore, there is no force in the submissions that the FIR was lodged belatedly. The Dying Declaration was recorded soon enough when she was in a position to give

the same.

8. Considering the nature of allegations against the present applicant, he cannot be protected by an order of anticipatory bail.

9. The application is rejected.

(SARANG V. KOTWAL, J.)