

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

ANTICIPATORY BAIL APPLICATION NO.1233 OF 2021

1. Anant Prasad Ishwardeen Verma, &
2. Krishnavati Anant Prasad Verma. Applicants
Versus
The State of Maharashtra Respondent

Mr. A.M. Saraogi, Advocate for the Applicants.
Smt. Rutuja Ambekar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th MAY, 2021
[Vacation Court]
[Through Video Conferencing]

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.543/2017 registered at Vakola Police Station, Mumbai under Sections 498-A, 304-B read with 34 of the Indian Penal Code.

2. Heard Shri A.M. Saraogi, learned Counsel for the Applicants and Smt. Rutuja Ambekar, learned APP for the State.

3. The FIR is lodged by one Kisan Verma on

21.11.2017. He has stated that his cousin, who is the victim, had married the Applicants' son on 9.5.2017 in Uttar Pradesh. It is mentioned in the FIR that after her marriage, her husband and the Applicants used to harass her on the ground that nothing was given to them in the marriage. The victim had told her family members that the Applicants and her husband were telling her to sell the agricultural land standing in the victim's father's name. On 20.11.2017, the informant came to know that the victim had hanged herself and was taken to hospital but she was declared dead. It is mentioned in the FIR that there was quarrel between the victim and Applicant No.2 on 19.11.2017 in the afternoon. On this basis, the FIR was lodge.

4. Learned Counsel for the Applicants submitted that the FIR is lodged in November, 2017 and after more than three and half years, now there is no propriety in the investigating agency seeking custodial interrogation of the Applicants. The Applicants are residents of Mumbai and for three and half years the police have not taken any steps in arresting them.

5. Learned A.P.P. submitted that the incident is serious. The victim was harassed by the husband and both the Applicants. Therefore, their custodial interrogation is necessary. She emphasized the fact that on 19.11.2017 there was quarrel between the victim and Applicant No.2. That could be the cause of this unfortunate incident.

6. I have considered all these submissions. The incident is quite old. The incident in question had taken place on 19.11.2017. The marriage had taken place on 9.5.2017. There are vague allegations against the present Applicant of causing harassment to the deceased because nothing substantial was given to the Applicants during marriage ceremony. No specific incident is mentioned. More importantly there is lapse of more than three and half years from the date of incident. Now suddenly the investigating agency wants to arrest the present Applicants. Absolutely no explanation is offered as to why they were not arrested or they could not be arrested for all these months. Therefore, because of this inordinate delay, I do not think this is a case where

custodial interrogation of the Applicants is necessary. The Applicants can be directed to attend the concerned police station instead and can be directed to cooperate with the investigation. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.543/2017 registered with Vakola Police Station, Mumbai, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)