

CRIMINAL BAIL APPLICATION NO. 2793 OF 2021

AAKASH S. TIWARI AND ANRAPPLICANTS
V/s.
THE STATE OF MAHARASHTRARESPONDENT

WITH
INTERIM APPLICATION NO. 2602 OF 2021
IN
CRIMINAL BAIL APPLICATION NO. 2793 OF 2021

ANIL KUMAR MISHRAAPPLICANT

IN THE MATTER BETWEEN

AAKASH S. TIWARI AND ANRAPPLICANTS
V/s.
THE STATE OF MAHARASHTRARESPONDENT

Mr. Mukesh Mishra i/b Lawmatics India for the applicants
Mrs. J. S. Lohokare APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 3, 2021.

P.C.:

1] Applicant is seeking regular bail in C.R. No. 61/2021 registered with Navghar Police Station for Offences punishable under Sections 306, 304(B), 323, 504, 506 r/w 34 of the Indian Penal Code.

2] Applicant no. 1 is husband and whereas applicant no. 2 is father-in-law of victim. It is claimed that victim was married to applicant no. 1 on 04/05/2017 and victim died on 22/02/2020.

3] Submissions of learned counsel for the applicants are, investigation in the matter is already over. There is hardly any material to connect the applicants particularly in absence of any complaint of demand of dowry or cruelty earlier in point of time.

4] Learned APP would support the claim of prosecution on the ground that there is presumption of dowry death is against the applicants considering the death has occurred within 7 years of marriage.

5] Complainant is father of deceased and marriage of the applicant took place on 04/05/2017. After arrest of the applicants, they were subjected to custodial interrogation.

6] There is no direct evidence to connect or infer that applicants have demanded dowry or subjected victim to physical cruelty.

7] Medical evidence depicts that victim has sided due to Ashphyxia and there is no evidence of any other external injuries.

8] In the aforesaid background, applicants deserve bail.

(i) Applicants be released on bail in C.R. No. 61/2021 registered with Navghar Police Station for Offences punishable under Sections 306, 304(B), 323, 504, 506 r/w 34 of the Indian Penal Code upon furnishing P.R. bond in the sum of Rs. 15,000/- each with one or more sureties in the like amount.

(ii) Applicants shall neither influence the witnesses nor tamper with evidence in any manner.

(iii) Till the charge is framed, applicant no. 1 shall attend the concerned police station in first week of every English calendar month as he is resident of Uttar Pradesh.

9] Application alongwith Interim Application stand disposed of.

[NITIN W. SAMBRE, J.]