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

**BAIL APPLICATION NO. 2722 OF 2021**

Bhujang Chandrakant Nandre ...Applicant

Versus

The State of Maharashtra ...Respondent

.....  
Mr. Ganesh Bhujbal for the Applicant.  
Mr.H.J. Dedhia, APP for the Respondent -State.

.....  
**CORAM : V.G.BISHT, J.**  
**RESERVED ON : 30TH NOVEMBER, 2021**  
**PRONOUNCED ON : 14TH DECEMBER, 2021**

**PC:-**

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 321 of 2021 registered with Shirur Police Station, Pune Rural for the offences punishable under Sections 304-B, 498 -A, 323, 504, 506 read with 34 of the Indian Penal Code (the IPC).

2. According to prosecution, deceased Vaishnavi was married to applicant on 12<sup>th</sup> July, 2020. Informant is the

stepmother of deceased. The prosecution alleges that as the applicant and his family members were not properly honoured in the marriage ceremony and the reasonable expenses were not done, there was demand of monies at the hands of applicant and thus, on all these counts, the deceased was subjected to physical and mental harassment. Consequently, being fed up with harassment, deceased committed suicide. Informant stepmother accordingly lodged the First Information Report (FIR).

3. Mr.Bhujbal, learned Counsel for the applicant, submits that there is no evidence to show that harassment was with a view to fulfill the demand of dowry. Moreover, there is unexplained delay of two days in lodging the FIR. Learned counsel also invited my attention to the statement of brother of deceased dated 11<sup>th</sup> May, 2021 and pointed out that earlier there was no complaint against the applicant and his family members but later on the FIR came to be lodged. Having regard to the facts and as the investigation is completed, the

custody of applicant is not necessary and therefore, the applicant deserves to be enlarged on bail.

4. As against above, Mr. Dedhia, learned APP, submits that the death occurred within 10 months of marriage on account of harassment and demand of dowry. Having regard to the nature of offence, the applicant does not deserve to be enlarged on bail.

5. Perused investigation papers.

6. There is statement of Rahul Rajendra Sawant dated 11<sup>th</sup> May, 2021, who is cousin of deceased. It may be noted from the record that deceased died on 11<sup>th</sup> May, 2021 after consuming pesticides. On the very day, the statement of Rahul Rajendra Sawant came to be recorded. His statement shows that on account of minor domestic quarrel and in a fit of rage, deceased consumed pesticides. He also stated that he has no complaint against anybody because of the said incident.

7. However, it seems that after two days, the FIR in question came to be filed by stepmother of the deceased. Even assuming that there was suicidal death on account of physical and mental harassment because of the dowry demand, in my considered opinion, there is no necessity of keeping applicant in custody. There are no other antecedents. The trial may take its own time.

8. In view of above, I am inclined to allow the application.

### **ORDER**

(i) Applicant- Bhujang Chandrakant Nandre shall be released on bail in C.R. No. 321 of 2021 registered with Shirur Police Station, Pune on his executing P.R. Bond in the sum of Rs. 20,000/- with one or two surety/ sureties in like amount.

(ii) The applicant shall not tamper with prosecution evidence.

(iii) Bail before the trial Court.

(iv) It is made clear that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.

(v) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(vi) The application is allowed in the aforesaid terms and stands disposed of accordingly.

**(V.G.BISHT, J. )**