

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1908 OF 2021**

- 1) Dinesh Ananda Rokade
- 2) Sangita Ananda Rokade
- 3) Ananda Dagadu Rokade
- 4) Nitin Ananda Rokade
- 5) Sakshi Nitin Rokade
- 6) Jayshri Madukar Gaikwad

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Paras Yadav, Advocate for Applicants.

Smt. Anamika Malhotra, A.P.P. for Respondent-State.

Mr. S.P. Deshmukh, PSI, Chikhali Police Station.

CORAM : A.S. GADKARI, J.

DATE : 7th September, 2021.

PC. :

1. Heard Mr. Yadav, learned counsel for Applicants and Smt. Malhotra, learned A.P.P. for State. Perused record of investigation.
2. By a speaking Order dated 12th August, 2021, the Applicants were granted interim relief.
3. Perusal of record indicates that, the marriage between deceased Saloni and Applicant No.1 was solemnized on 18th October, 2020 at Nanded. He thereafter started residing within the jurisdiction of Chikhali Police Station, as the Applicant No.1 was serving there as a labourer.

Smt.Saloni committed suicide at her matrimonial house on 1st April, 2021. It is an admitted fact on record that, at the time of her commission of suicide, the deceased was residing with her husband separately at Jadhavwadi in a rented premises. The allegation against the Applicant No.1-husband is that, he used to demand of Rs.2 lakhs from the deceased for the purpose of starting a business. Applicant No.1 also used to pass taunts against her that, the deceased could not cook food properly. Due to constant harassment by the Applicant No.1 deceased committed suicide on 1st April, 2021. As far as the other Applicants are concerned, they are close relatives of the Applicant No.1, i.e. his mother, father, brother, sister and sister-in-law. As far as the other Applicant Nos.2 to 6 are concerned, it is alleged that, they used to jeer at her and indulge in petty quarrels on account of the deceased could not cook the food properly. The allegations against them are general in nature and therefore they can be protected by pre-arrest bail.

4. As far as Applicant No.1 is concerned, the presumption under Section 113-A of the Indian Evidence Act clearly applies to him. There are specific allegations against him for demanding money from the deceased and causing harassment to her, which lead the deceased to take an extreme step in her life i.e. to commit suicide.

In view thereof, the Applicant No.1 does not deserve to be protected by pre-arrest bail.

5. Hence the following Order :-
- (i) Application of Applicant No.1 for pre-arrest bail is rejected.
 - (ii) As far as Applicant Nos.2 to 6 are concerned, interim relief granted by Order dated 12th August, 2021, is hereby confirmed. However, the condition to attend the Investigating Officer is waived.
6. Application is partly allowed in the aforesaid terms.

[A.S. GADKARI, J.]

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