

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

ANTICIPATORY BAIL APPLICATION NO. 2251 OF 2021

1. Sharda @ Shardabai Vasant Taware
2. Vasant Keshav Taware Applicants

Versus

The State of Maharashtra Respondent

Mr. Hrishikesh Mundargi i/b. Pravada Raut for Applicants.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th SEPTEMBER, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.347 of 2021 registered at Baramati Police Station, Pune Rural, on 29/05/2021, under sections 304-B, 498-A, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC') and under sections 3 and 4 of the Dowry Prohibition Act.
2. Heard Shri. Hrishikesh Mundargi, learned counsel for the applicants and Shri. Ajay Patil, learned APP for the State.

3. After arguing for some time, when I expressed my disinclination to grant relief to the applicant No.1, learned counsel for the applicants prayed for unconditional withdrawal of this application on behalf of the applicant No.1 only. Permission is granted. The application, so far as, the applicant No.1 is concerned is allowed to be withdrawn unconditionally and is disposed of as such.

4. I have, therefore, considered the question of grant or refusal of relief to the applicant No.2 alone in this application.

5. I have perused the entire charge-sheet filed against the arrested accused. With the assistance of both learned counsel I have perused various statements.

6. The applicant No.2 is father in law of the deceased Geetanjali. The First Information Report (for short 'F.I.R.') was lodged on 29/05/2021 by Geetanjali's father Sunil Yadav. He has stated that, it was an arranged marriage. The marriage was fixed on 01/04/2020. At that time, it was agreed that the informant would pay Rs.1 lakh as dowry and would give 7 tola gold ornaments and articles worth Rs.1.5 lakhs. The marriage took

place on 24/05/2020. It is alleged that, after the wedding, the deceased started residing with her husband and other family members including accused No.2. It is alleged that, at the very first instance the applicant No.2's daughter humiliated the deceased on the ground that only 7 tola of gold was given to them, whereas, they deserved much more. The F.I.R. goes on to mention that the applicant No.1 was passing humiliating remarks against her. The deceased was disturbed because of all this. It is alleged that the first informant had tried to tell the applicant No.1 and husband of the deceased that he was not in a position to pay more. On 31/05/2020, the applicant No.2 called the informant to their house for some religious ceremony. He asked the informant to bring clothes for pooja. When the informant met his daughter, she started crying, but even at that time the applicant No.1 and her daughter scolded her and demanded sarees and gold. After the religious ceremony the deceased was taken to her parental house. At that time, she complained that, all the family members of her husband were harassing her physically and mentally for gold and sarees. There are allegations that, all the family members insulted

her for giving less articles and gold. The F.I.R. mentions that the applicant No.1 had snatched deceased's mobile phone and had abused her. She was made to do all the household work. The F.I.R. mentions that her husband was having extra marital affair and on that count also she was harassed. On 24/05/2021, the deceased phoned the first informant and told him that her two sisters in law had come to their house and her condition would be worse. On that day itself she consumed pesticide. She was admitted to KEM Hospital, Pune and she succumbed to poisoning on 27/05/2021. After that the first informant lodged his F.I.R. on 29/05/2021.

7. Learned counsel for the applicant No.2 submitted that, there are hardly any allegations against the present applicant No.2, in particular. The majority of the allegations are directed against the mother in law, sisters in law and husband. Learned counsel for the applicants submitted that, from the record it appears that the deceased was disturbed because of the alleged extra marital affair of her husband and that could be the cause of the unfortunate incident. He submitted that, two suicide notes were found during the investigation and both of them exonerated all the family

members of the deceased and also of the applicants. There are indications in one of the suicide notes that, she was not happy with her husband's affair and that could be the real cause. He submitted that, there are no specific allegations against the applicant No.2.

8. Learned APP countered these submissions. He invited my attention to the statement of one Nitin Taware who was one of the mediators in the marriage. He has referred to a phone call wherein allegedly the applicant No.2 had also indirectly demanded more gold. He submitted that, thus, the applicant No.2's role is also mentioned. He submitted that, statements of the first informant, his family members and his neighbours are on the similar lines and there are allegations against the applicant No.2, as well.

9. I have considered these submissions. Apart from the first informant i.e. father of the deceased there are statements of Arun Yadav who is younger brother of the first informant, Amar Yadav who is Arun's son, Namita Yadav who is Arun's wife and Anil Kadam who is neighbour of the first informant. All of them have

made similar allegations as are mentioned in the F.I.R. The statement of Nanda Devkar is important because she had accompanied the deceased to her matrimonial house after the marriage. She had made allegations against the applicant No.2's daughter Sachita about demand and for passing humiliating remarks. Other allegations are directed against the applicant No.1. However, she has not made any specific allegations against the present applicant No.2. All these statements show that, there are general allegations against all the family members of the husband of the deceased. There are no specific instance and no specific allegations so far as the applicant No.2 is concerned. The statement of the Mediator makes a reference to a phone call alleging that applicant No.2 had made some demand. However, that phone call is not mentioned by the first informant himself. This is a preliminary stage of investigation, therefore, it would not be proper to comment anything further on this aspect. It is left open to be decided during the trial. However, all these statements, at this stage, indicate that specific allegations against the present applicant No.2 are lacking. I have also perused the chat messages

exchanged between the deceased and her brother and in all those messages the main grievance is expressed by the deceased against the mother in law i.e. applicant No.1. Even in those chats, there are hardly any allegations against the applicant No.2. Therefore, applicant No.2's custodial interrogation is not required. It is made clear that, all these observations are made only for consideration of grant of anticipatory bail. All the questions are left open to be decided during the trial. The trial court shall not be influenced by any of these observations. Considering this discussion, the applicant No.2 only has made out a case for grant of anticipatory bail order.

10. Hence, the following order :

ORDER

- (i) Application on behalf of the Applicant No.1 is disposed of as withdrawn unconditionally.
- (ii) In the event of arrest of Applicant No.2 in connection with C.R.No.347 of 2021 registered at Baramati Police Station, Pune Rural, the applicant No.2 is directed to be released on bail

on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (iii) The Applicant No.2 shall attend the concerned Police Station as and when called and shall cooperate with the investigation. He shall not tamper with the prosecution witnesses and other evidence.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)