

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 768 of 2021

[Subhadra Kisunlal Devangan ..vs.. The State of Maharashtra through P.S.O. Ramnagar, Chandrapur]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Mir Nagman Ali, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 18-08-2021

The applicant is seeking bail in connection with Crime 1127/2020 registered with Police Station, Ramnagar, Chandrapur for offences punishable under Sections 302, 449, 294 and 323 read with Section 34 of the Indian Penal Code.

2. Mr. Likhanlal Devangan lodged report with Ramnagar Police Station on 26-11-2020, the gist of which is thus :

2.1 Mrs. Neha, the informant's daughter married Maheshwar Devangan in 2016 and a daughter is born from the wedlock.

2.2. In 2018, Neha eloped with accused Nagendra Devangan and married him at a temple.

2.3. Hardly three months had lapsed and Nagendra started ill-treating Neha to force her to satisfy dowry demand.

2.4. Neha was ill-treated, not only by her husband Nagendra, her mother-in-law, who is the applicant herein subjected her to intense cruelty. The applicant used to deprive Neha food and assaulted her.

2.5. At 12.00 p.m. on 25-11-2020, co-accused Ravi who is the brother of Nagendra called the informant and conveyed that Neha consumed poison. The informant who is residing in Chattisgarh immediately went to Chandrapur and reached the District Hospital. Neha was dead and her body bore several injuries on the neck, chest and face. The informant confronted co-accused Ravi about the injuries and the fact that Ravi had conveyed that Neha consumed poison. Ravi gave a lame explanation.

2.6. The postmortem revealed that the death was homicidal and that Neha had been strangled.

3. I have perused the statements of witnesses and having done so, I am of the considered view that no discretion can be exercised in favour of the applicant.

4. The *prima facie* incriminatory material against the applicant is overwhelming. In addition to the material which *prima facie* indicates that the applicant was in the forefront in treating Neha with extreme cruelty, she went out of the way to derail the investigation.

5. Illustratively, the statement of witness Shriniwas Kanweni with whom co-accused Ravi was employed is that he was summoned by Ravi at 9.27 p.m. and when Shriniwas reached his residence, Neha was already lying motionless. Several injuries were visible on her person. The applicant Subhadra told Shriniwas that Neha was alone in the house and when she (Subhadra) returned, Neha was banging her head and declaring that she would commit suicide and she did, as a fact, consumed poison.

Witness Shriniwas states that he and others immediately suspected that the applicant Subhadra was attempting to mislead everybody.

6. The version of other witnesses is also that the applicant Subhadra made a sustained effort to give the impression that Neha committed suicide by consuming poison.

7. At this stage, it would not be necessary to minutely evaluate the other material which connects the applicant with the crime lest some prejudice is caused to her during the course of the trial.

8. Suffice it to note, that the accusation is extremely grave. The applicant and other accused allegedly killed the helpless Neha by throttling. The applicant in particular made consistent attempt to project the homicidal death as suicide. No discretion can be exercised in favour of the applicant.

9. The trial Court is, however, requested to expedite the trial and to endeavour to conclude the same, if possible, within the next twelve months.

10. The application is dismissed.

JUDGE

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