

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

CRIMINAL APPLICATION (BA) NO. 861 OF 2021

(Yogesh s/o Bhauraoji Dhokne ..vs.. State of Maharashtra, through PSO, PS Yashodhara Nagar,
Nagpur)

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

Court's or Judge's orders

Mr. A.C. Jaltare, Counsel for the applicant,
Mr. N.R. Rode, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 09-09-2021

The wife of the applicant Mrs.“K” allegedly consumed the bathroom cleaner containing acid after a verbal altercation, the details of which need not be mentioned.

2. The incident occurred on 19-5-2019. Mrs.“K” was admitted to Hope Hospital and then shifted to Seven Star Hospital. She was discharged from the hospital on 30-5-2019. According to the report lodged by her brother, she was then admitted to the said hospital from 31-5-2019 to 13-6-2019 and 23-6-2019 to 27-6-2019.

3. Even according to the prosecution, it was seven months after the consumption of the bathroom cleaner that Mrs.“K” had to be admitted to Seven Star Hospital and she succumbed on 21-1-2020. The cause of death in the autopsy report is mentioned as pulmonary haemorrhage with gastritis. The final opinion is kept

reserved pending receipt of chemical analysis and histopathological reports. It appears that after Mrs.“K” succumbed, more than eighteen months after the death, Krunal-the brother of Mrs.“K” lodged report alleging dowry demand and ill-treatment. The crime is registered on the basis of the said report, under Sections 306 and 498-A of the Indian Penal Code.

4. I have perused the case papers available in the case diary, and in my considered view, the applicant is entitled to bail.

5. Apart from the fact that it cannot be said, at this stage, that the death was accidental, to wit directly related to the alleged consumption of the bathroom cleaner containing acid, the allegations are belatedly levelled. The statement of the younger brother, which is recorded in the enquiry under Section 174 of the Code of Criminal Procedure, does not make any reference to a dowry demand. The younger brother of Mrs.“K” states that his sister disclosed that she consumed bathroom cleaner after a verbal altercation.

6. In any event, there is no purpose in continuing the incarceration. The investigation appears to be almost complete and there is no likelihood of the applicant not being available to face the trial. The applicant has no adverse antecedents.

7. The application is allowed.
8. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.
9. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.
10. The applicant shall attend each date of hearing scrupulously.
11. The applicant shall not leave the country without the permission of the trial Court.

JUDGE

adgokar