

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.1449 OF 2021
WITH
CRIMINAL APPLICATION NO.3173 OF 2021
WITH
CRIMINAL APPLICATION NO.710 OF 2022**

- 1) Sudamati W/o Ramrao Raut (Dukre),
- 2) Pooja D/o Ramrao Raut (Dukre),
- 3) Ramrao S/o Ashruba Raut (Dukre),
- 4) Vaibhav S/o Ramrao Raut (Dukre)

...APPLICANTS

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.M.P. Kale Advocate holding for Mr. P.N. Muley
Advocate for Applicants in Anticipatory Bail Application
No.1449 of 2021.
Mr.A.M. Phule, A.P.P. for Respondent-State.
Mr.F.R. Tandale Advocate for Applicant in Criminal
Application No.3173 of 2021 for assist to APP and also
for applicant in Criminal Application No.710 of 2022.
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CORAM: SMT. VIBHA KANKANWADI, J.

DATE OF RESERVING ORDER : 28th FEBRUARY 2022

DATE OF PRONOUNCING ORDER : 6th APRIL 2022

ORDER :

1. Criminal Application No.3173 of 2021 moved for assist to APP stands allowed and disposed of.

2. The applicants in the Anticipatory Bail Application are apprehending their arrest in connection with Crime No.221 of 2021 registered with Dindrud Police Station, District-Beed for the offence punishable under Sections 304(B), 498-A, 393, 504 read with Section 34 of the Indian Penal Code.

3. Heard learned Advocate Mr. Kale holding for learned Advocate Mr. Muley for the applicants and learned APP Mr. Phule well assisted by learned Advocate Mr. Tandale for the informant. In order to cut-short, it can be stated that both the sides have made submissions in support of their respective contentions.

4. Present applicants are mother-in-law, sister-in-law, father-in-law and brother-in-law of the deceased. Informant, who is the father of the deceased, states that his daughter Pooja @ Pratiksha got married to the son of applicant Nos.1 and 3 on 4th June 2021. It is stated that at the time of settlement of marriage

it was decided that dowry of Rs.5,00,000/- would be given. Out of which, four Tolas of gold worth Rs.2,00,000/- were given to the in-laws, so also various domestic articles were given at the time of marriage. It was then stated that it was decided that the remaining amount of Rs.3,00,000/- would be given till Diwali. Informant states that his daughter was treated properly by the husband and his family members for about a month and thereafter they started saying that the remaining amount of Rs.3,00,000/- should be brought. She was abused and starved by the accused persons. When it was told to the informant that such treatment is being given, at that time the informant requested the accused persons that he would give the amount very soon. Thereafter on 5th September 2021 he has collected the amount of Rs.1,00,000/- and gave it to son-in-law and told that he would give the remaining amount of Rs.2,00,000/- after some days but they should not harass his daughter. However, on 9th September 2021 at about 10.00 a.m. he received phone call of his son-in-law that Pooja has been admitted to hospital. Informant's son Sandeep went to the hospital and after meeting his sister, gave phone call to the informant stating that the sister is unconscious and informant and his wife should come immediately. It is then stated that after the treatment, Pooja was

brought to the house of the informant on 10th September 2021. Thereafter she disclosed that the accused persons had abused her and assaulted her on the ground of remaining amount of Rs.2,00,000/-. On 21st October 2021 at about 10.00 a.m. informant, his wife and son had gone for agricultural operations. They received phone call from the neighbour that the niece of the informant is shouting and Pooja is doing something in the house. Informant, his wife and son went home and found that the door of the house was closed from inside. They opened the said door and found that Pooja had hanged herself. Thereafter Police were called and after the post-mortem, the dead body was given. Last rites were performed and then the First Information Report has been lodged.

5. It is thus clear that Pooja committed suicide when she was at her father's house and not with the accused persons. She was with the informant from 10th September 2021 till 21st October 2021. The First Information Report is not clear as to what happened in the time in between and whether the accused persons had contacted deceased in any manner or not. Whether such act then amounts to instigation for the suicide, is a question. So also whether the ingredients of Section 304-B of

the Indian Penal Code would be attracted, is also a question. As stated above, Pooja died in unnatural circumstance at the house of her father and not in her matrimonial home. As regards Section 498-A, 323 and 504 of the Indian Penal Code are concerned, the ratio laid down in ***Arnesh Kumar vs. State of Bihar, 2014(8) SCC 273*** would be applicable.

6. Now, it is tried to be contended by the informant that investigating agency has given an impression to the informant that suicide note was found and it was not shown by the Police to the informant or any other family members. They demanded copy of the same on many occasions but the copy of the same was not provided to them. For this purpose, ample opportunity was given even to the informant to take appropriate steps or show it from any circumstance that such chit was left by the deceased. In fact the informant was the person along with his wife and son to go near the deceased even prior to the Police Officers. If that chit would have been left, it could have been noted by the informant even prior to the arrival of the Police. The Investigating Officer has made a statement that no such chit was found at all. When that evidence is not coming forward, we need not deliberate anything about it.

7. Taking into consideration the relationship of the applicants with the deceased and for the aforesaid circumstance that Pooja expired in her father's house and not in the matrimonial home, it prompts this Court to grant protection under Section 438 of the Code of Criminal Procedure, to these applicants. This Court by order dated 2nd December 2021 granted interim protection to the applicants, which deserves to be confirmed. Hence following order is passed:-

ORDER

- i) Anticipatory Bail Application stands allowed.
- ii) Interim protection granted to the applicants by this Court by order dated 2nd December 2021 stands confirmed. It is clarified that in the event of arrest of applicant No.1 - Sudamati W/o Ramrao Raut (Dukre), applicant No.2 - Pooja D/o Ramrao Raut (Dukre), applicant No.3 - Ramrao S/o Ashruba Raut (Dukre) and applicant No.4 - Vaibhav S/o Ramrao Raut (Dukre) in connection with Crime No.221 of 2021 registered with Dindrud Police Station, District-Beed for the offence punishable under

Sections 304(B), 498-A, 393, 504 read with Section 34 of the Indian Penal Code, they be released on bail on PR Bond of Rs.20,000/- (Rupees Twenty Thousand) each, with one or more sureties in the like amount each, if already not released.

iii) Applicants shall remain present before the Investigating Officer as and when called and co-operate with the investigation.

iv) Applicants shall not tamper with the evidence of the prosecution in any manner.

v) Criminal Application No.710 of 2022 also stands disposed of.

[SMT. VIBHA KANKANWADI , J.]