

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

**916 ANTICIPATORY BAIL APPLICATION NO.856 OF 2022
WITH APPLN/2343/2022 IN ABA/856/2022**

1. Vikram Narayan Dehade
2. Maya Vikram Dehade ..Applicants
(Accused Nos.2 & 3)

VERSUS

- . The State of Maharashtra ..Respondent

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Advocate for Applicants : Mr. Shyam C. Arora
APP for Respondent : Mr.V.M.Kagne
Advocate for Informant : Mr.K.A.Ingle

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CORAM : S. G. MEHARE, J.

DATE : 21st July, 2022

PER COURT :-

1. Heard the learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel assisting the APP.
2. The FIR is dated 7th June, 2022. It was immediately lodged after the incident. It is alleged that the complainant (father of the deceased) and his relatives had been to the house of the applicants as called by applicant No.1 - Vikram Dehade. A day before the incident, the deceased complained to her father that the applicants were asking the deceased to bring Rs.15,00,000/-

and for that they were harassing and torturing her mentally and physically. The complainant and his relatives were explaining the applicants. At that time, the applicants asked them to pay Rs.15,00,000/- to purchase a flat else take the deceased with them. Suddenly, she went inside the bedroom and locked it from inside. They knocked on the door but she did not open the door. Then, they broke open the door and went inside the bedroom of the deceased but they did not see her there. When they saw down from gallery, the deceased was lying dead on the ground.

3. The applicants have a case that they never demanded money from the deceased to purchase a flat. She was not interested to live with them. Therefore, applicant No.1 called her father to explain her. Therefore, her father and maternal uncle had been to their house. Her relatives were trying to explain the deceased but she was not listening. Thereafter, suddenly she went inside the bedroom and locked it from inside. They have a specific case that they also broke open the door of the bedroom of the deceased. Since, the deceased was not willing to cohabit with her husband and her parents were convincing her to live a peaceful life, she got irritated, annoyed and committed suicide.

4. The learned counsel for the applicants has vehemently

argued that a false story has been cooked of the demand of Rs.15,00,000/- since the complainant lost his daughter.

5. The learned APP for the respondent-State vehemently argued that the offence happened within four months of the marriage of the deceased. She was ill treated for demand of dowry of Rs.15,00,000/- to purchase a flat. She had complained to her parents. The FIR also reveals that a day before the incident, she had complained her parents that all the applicants were harassing her for bringing Rs.15,00,000/-. She was beaten with hands. The offence is serious and grave and therefore, the applicants have no good case for anticipatory bail.

6. The learned counsel assisting the APP has referred to the complaint dated 27th June, 2022 addressed to the Commissioner of Police, Aurangabad. He has vehemently argued that the Police did not investigate properly. He has also argued that the Police did not record the statement of the first informant as per his say. He come with a case that her husband also went inside the bedroom of the deceased and locked the door from inside. When the complainant and his relatives heard a sound then the door was broke open and at that time accused husband fled away from the spot. The offence is serious. Still the Police did not arrest the applicants. There are complaints against the

applicants of dowry demand. Hence, the applicants are not entitled to anticipatory bail.

7. Hearing the arguments of the learned counsel assisting to APP, the learned counsel for the applicants has pointed out that false allegations have been levelled after thought that husband of the deceased also went inside the bedroom of the deceased and he locked the bedroom from inside. The said complaint has been lodged 20 days after the alleged incident to the Commissioner of Police. Applicants are innocent. Therefore, they may be released on anticipatory bail.

8. The applicants are in-laws. The FIR reveals that a day before the incident, the deceased made a phone call from the phone of her mother-in-law to her father complaining about demand of dowry of Rs.15,00,000/-. A fact that cannot be ignored is that immediately on the next day, applicant No.1 had called the father of the deceased. The incident happened in front of the parents of the deceased. In these circumstances, possibility of patching up the family dispute amicably cannot be ruled out. The accused husband is already behind bars. The Police must have recovered the relevant trace evidence from the spot of the incident. The story developed as per the complaint dated 26th June, 2022 addressed to the Commissioner of the

Police does not inspire the confidence.

9. Having regard to the nature of the incident and the relation of the applicants with the deceased, this Court is of the view that though the offence is serious, no purpose would be served sending the applicants for custodial interrogation. Hence, the following order :-

ORDER

- i) The application is allowed.
- ii) In the event of arrest, applicant No.1 - Vikram Narayan Dehade and applicant No.2 - Maya Vikram Dehade be released on bail, on furnishing P.B. and S.B. of Rs.15,000/- (Rs. Fifteen thousand only) each with one solvent surety of the like amount each, in C.R. No.0198 of 2022, registered with Satara Police Station, Dist.Aurangabad, for the offence punishable under Sections 304-B, 306, 498-A, 323, 504 read with Section 34 of the Indian Penal Code, on condition that they shall attend the concerned Police Station on 26th July 2022, 27th July, 2022 and 28th July 2022 between 10:00 a.m. to 01:00 p.m. and co-operate the Investigating Officer.
- iii) Applicant No.2 - Maya Vikram Dehade shall surrender her mobile phone to the Police, if not surrendered.
- iv) Criminal Application No.2343 of 2022 is allowed.

(S. G. MEHARE)
JUDGE