

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1841 OF 2022**

Chandrakant Sadashiv Ejagar and Anr. ... Applicants
versus
The State of Maharashtra ... Respondent

Mr. Sachin H. Deokar, for Applicants.
Mr. P.H.Gaikwad, APP, for State.
Mr. M.S.Dhongade, PSI Phaltan Rural Police Station, present.

**CORAM: N.J.JAMADAR, J.
DATE : 24th JUNE, 2022**

P.C.

1. The Applicants have preferred this Application to enlarge them on bail in C.R.No.360 of 2022 registered with Phaltan Rural Police Station for the offences punishable under Sections 306, 304B, 498A, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. The Applicant No.1 - Chandrakant Sadashiv Ejagar and the Applicant No.2 - Yogesh Chandrakant Ejagar are the father in law and brother in law, respectively, of Ujwala (the deceased), the sister of Laxman Shankar Bhusnar, the first informant. Pursuant to the registration of the crime, the Applicants came to be arrested on 23rd May, 2022.

3. The prosecution case is that on 7th June, 2016, the marriage of the deceased was solemnized with Anil Chandrakant Ejagar, the son of Applicant No.1. After two years of the marriage, the first informant alleged, the Applicant Nos.1 and 2

started to harass the deceased on the count that adequate dowry was not given at the time of marriage and they were not properly honoured during the marriage ceremony. The deceased had called the first informant in the month of October, 2021 and apprised him about the ill-treatment being meted out to her. The deceased and her children were brought to her parental home. At that time, the deceased had informed him that the Applicants and the co-accused were demanding a sum of Rs.1,00,000/- to purchase a new vehicle and to get released the ornaments of wife of Applicant No.2 which were pledged. After few days, the deceased was taken back to her matrimonial home. The Applicants and the co-accused were requested not to ill-treat the deceased. For two months thereafter, the Applicants and the co-accused treated the deceased well. She was again subjected to harassment. On 22nd May, 2022, the deceased died by suicide. Hence, the first informant lodged a report.

3. I have heard Mr.Deokar, learned Advocate for the Applicants and the learned APP for the State. I have also perused the investigation papers.

4. The learned Advocate for the Applicants submitted that the allegations of harassment and subjecting the deceased to cruelty are of general nature. In fact, the deceased was suffering from ailments and availed treatment both at her parental as well as matrimonial home. In the backdrop of the nature of the allegations and the attendant circumstances, according to the learned Advocate for the Applicants, the offences punishable under Sections 304B and 306 of the Penal Code cannot be said to

be prima facie, made out. Hence, the Applicants deserve to be released on bail.

5. The learned APP, on the other hand, submitted that there are specific allegations of demand and in the statement of the first informant recorded under Section 164 of the Code of Criminal Procedure, the first informant has specifically stated that a sum of Rs.50,000/- was paid to the Applicant No.2 and later on, a sum of Rs.80,000/- was credited in the account of the deceased. At that time, the husband of the deceased had taken back the deceased by giving an assurance that they would reside separately from the accused. The deceased and her husband did reside separately for a while and as the children were young, they again came back to reside with the Applicants and the co-accused in the matrimonial home.

6. I have given anxious consideration to the aforesaid submissions. To start with, it is imperative to note that there are no allegations of harassment or illtreatment qua the husband of the deceased. The Applicants are roped in in their capacity of being the relatives of the husband of the deceased. The Applicants allegedly subjected the deceased to harassment in order to coerce her to bring a sum of Rs.1,00,000/- to purchase a new vehicle and get the pledged ornaments of the co-accused – Ashwini Yogesh Ejagar, released. The Applicants also allegedly demanded a further sum of Rs.1,00,000/- to get the property situated on the road side allotted to the share of the husband of the deceased, in the joint family partition.

7. The learned APP submitted that the claim of the first informant about

the alleged unlawful demand of the property, finds support in the statement of the first informant recorded under Section 164 of the Code of Criminal Procedure and the entries in the extract of account. A strong emphasis was laid on the claim of the first informant that on the occasion of Dipavali in the year 2020, he had paid Rs.50,000/- to the Applicant No.2 – Yogesh, the brother in law of the deceased. After the deceased was brought to her parental home, the latter had informed that to get the ornaments released which were pledged, the Applicant No.2 – Yogesh had demanded Rs.1,00,000/-. Thereupon, the first informant claimed to have paid a sum of Rs.87,000/- in the account of the deceased.

8. I have perused the statement of account. It appears that the monies were transferred in the account of Anil Chandrakant Ejagar, the husband of the deceased. It is not the claim of the first informant that the husband of the deceased ever subjected the deceased to harassment. On the contrary, it was alleged that the husband of the deceased being of mild temperament, the Applicants and the co-accused exerted pressure on him.

9. The situation which thus obtains is that a part of the allegation that the amount was credited in the account of the Applicant No.2 is, prima facie, not supported by the extract of account. Conversely, there is material to indicate that there was a dispute over the partition of the joint family properties as well. In this backdrop, the fact that the deceased was availing treatment for psychotic depression,

cannot be said to be inconsequential or immaterial.

10. The Applicants have been in custody since 23rd May, 2022. It appears that the investigation has reached an advanced stage. The statement of the first informant under Section 164 of the Code of Criminal Procedure, has been recorded. Likewise, the statements of the neighbours of the deceased are also recorded. Further detention of the Applicants does not seem warranted.

11. The Applicant No.1 appears in his late sixties. The allegations against the Applicant No.1 appear to be of general nature. Though there are allegations of making unlawful demand and receiving part of the allegedly demanded amount against the Applicant No.2, it is imperative to note that the amount was credited in the account of the husband of the deceased.

12. In the backdrop of the nature of the accusation and the situation in life of the parties, the possibilities of fleeing away from justice and tampering with evidence or threatening the witnesses, seem to be remote. In any event, the apprehension on the part of the prosecution can be taken care of by imposing appropriate conditions. Hence, the following order :

ORDER

(i) The Applicants – Chandrakant Sadashiv Ejagar and Yogesh Chandrakant Ejagar be released on bail on furnishing a PR bond in the sum of Rs.25,000/- each and one or two sureties in the like amount to the satisfaction of the

learned Magistrate.

(ii) The Applicants shall co-operate with the investigation and attend Phaltan Rural Police Station on every alternate Sunday from 10.00 a.m. to 1.00 p.m. for a period of three months or till the filing of the charge sheet whichever is earlier.

(iii) The Applicants shall not tamper with the prosecution evidence and give threat or inducement to any of the prosecution witnesses.

(iv) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(v) By way of abundant caution, it is clarified that the observations hereinabove are confined to the consideration of the entitlement for bail and they may not to be construed as an expression of opinion on the guilt or otherwise of the Applicants.

Application stands disposed.

(N.J.JAMADAR, J.)