

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1881 OF 2022

Sahahanaz Sikandar Momin .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Abhijit Mandre for the applicant.
Mr.S.H.Yadav, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 28th JULY, 2022

P.C:-

1 The applicant is apprehending her arrest in connection with C.R.No. 27/2022 registered with Malwani Police Station which invoke Sections 323, 504, 506, 509, 498-A, 406, 304-B, 306, 114 r/w Section 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act.

2 On completion of investigation of the subject C.R which came to be registered on the complaint filed by the mother of the deceased, who, committed suicide on 11/1/2022, charge-sheet came to be filed against two accused persons and the applicant who is the mother-in-law of the deceased is shown to be 'absconding'.

3 On perusal of the material compiled in the charge-sheet, it is revealed that the daughter of the complainant was married to the son of the applicant on 27/12/2019 and it is alleged by her that *streedhan* in form of gold jewellery was gifted to her. Her daughter was a graduate and she was working in ICICI Bank at Malad. However, after marriage, she left the job and it is alleged that the present applicant was insisting that she should resume the job, and she was harassed for not bringing dowry of Rs.Seven lakhs. It is mentioned that time and again, there used to be quibble in the house on account of the demand for dowry. Her daughter had complained to her that her in-laws were abusive towards her and used to beat her. This resulted in she reporting to the Amboli police station and recording two NCs in the year 2021. All the happenings in the matrimonial house were reported by her daughter to the complainant, and she specifically told her that her mother-in-law used to often harass her and humiliate her for not bringing sufficient dowry, despite the fact that her son was an Engineer by profession. She had pleaded with the in-laws of her daughter, that she would collect the amount for dowry and make the payment in due time, and persuaded her daughter to reside in her matrimonial house.

4 In February 2020, it is alleged that her daughter was driven out of the house by threatening that unless and until she bring the dowry of Rs.Seven lakhs, she will not be permitted to enter into the matrimonial house. A meeting was held with the

help of a mediator, where the applicant was present and the unpleasant happenings in the meeting was responsible for her husband suffering from heart attack. After his death, she kept on pleading with the marital family of her daughter that she would arrange the money. The entire FIR that the narration about the repeated demands. It also make a mention about the character of her daughter being suspected, and on the contrary, the deceased had noticed her husband in the company of a strange woman.

5 On 11/1/2022, the deceased committed suicide and the applicant and her relatives are accused of being responsible for instigating the said suicide. The material compiled in the charge-sheet, include the statements of independent witnesses and even the statements recorded u/s.164 of Cr.P.C, which refer to the harassment at the instance of the present applicant.

6 Unfortunately, despite enactment of the Dowry Prohibition Act, intended to curb giving or receiving of Dowry, the act prohibited and made punishable is still rampant. The present case of the prosecution as compiled in the charge-sheet, is an instance, where dowry is still demanded which shows disrespect to a woman and her womanhood. Woman is treated as a commodity and for her being accepted in marriage, a sum is demanded. Young girl, like a deceased is instigated to commit suicide, when they cannot happily lead their marital life on account of the demand of dowry being not satisfied by her family.

The custodial interrogation of the applicant is very much necessary as there is a harassment being suffered by the deceased at the hands of the applicant and it has surfaced in the complaint lodged by her mother.

Demand of dowry shows disrespect, despite when the girl and the boy are educated and engaged in dignified jobs.

Such acts, lead to oppression of women, domestic violence and a source of emotional stress. The demand of dowry and illustration of a woman when there is failure to satisfy the demand.

Application is rejected.

(SMT. BHARATI DANGRE, J.)