

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

**CRIMINAL APPLICATION (BA) NO. 345/2022**  
**Mahadeo Gajanan Mundhe...Versus...State of Maharashtra**

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

Court's or Judge's orders

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Mr. S.V.Sirpurkar, Advocate for applicant.  
Ms. M.H.Deshmukh, APP for respondent/State

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 27/04/2022**

1] Heard Mr. Sirpurkar, learned counsel for the applicant and Ms. Deshmukh, learned APP for non-applicant/State.

2] The applicant is arraigned for the offence under Sections 304B, 306 of the IPC in Crime No. 293/2021. The incident is dated 12.8.2021. The FIR has been lodged on 13.8.2021 at the instance of the father of the deceased, on which date the applicant as well as his mother and father were arrested. The charge-sheet has been filed on 9.12.2021. The mother and father of the applicant have been released on bail.

3] Mr. Sirpurkar, learned counsel for the applicant submits that the allegations of harassment and demand of dowry are all post the demise of the deceased and there is nothing on record independently, apart from the statement of the complainant, his wife, daughter and son who are all

related to the deceased, to substantiate this contention. He further invites my attention to the supplementary statement of the complainant and contends that the same would indicate the intention of the complainant to deliberately involve the applicant in the aforesaid offence with an intention to ensure the custody of the applicant. He therefore submits that considering the nature of the offence and the absence of any independent material, the application needs to be allowed.

4] Learned APP opposes the application, relying upon the statement of the complainant as well as the mother, brother and sister of the deceased and submits that due to the harassment meted out by the applicant and his parents, the deceased was forced to take the fateful step. Therefore, the application be rejected.

5] The marriage of the applicant with the deceased had taken place on 5.4.2021. The deceased passed away on 12.8.2021, which is within a period of 4½ months from the date of the marriage, by consuming poison in the matrimonial house. It is not the case of the prosecution that the deceased was done to death by the applicant and his family members based upon the oral report dated 13.8.2021. However, the supplementary statement of the complainant (pg. 128) indicates that he had intentionally therein set up a case of the applicant and his parents poisoning the deceased with an

intention to ensure that they remained behind the bars for the maximum period. Though the said statement would indicate the angst of the complainant, however, it also indicates an intention to make a false statement, considering which the statements made by the complainant will have to be taken into consideration with a pinch of salt. Though the period of cohabitation is very less, there is no independent witness indicating any harassment meted to the deceased. There is no statement of any neighbour indicating such harassment, neither is there any statement by any of the relatives in this regard, prior to the incident. All the statements are post the date of the incident. Though a statement has been made that there was a demand for dowry of Rs. 1.5 lakh at the time of marriage, out of which Rs. 1 lakh is said to be paid, and the balance of Rs. 50000/- was further required to be paid, which is claimed to be the cause of alleged harassment, the same prima facie is not substantiated by any independent material/evidence on record, considering which since the investigation is already complete and the charge-sheet has been filed, I do not see any reason to continue the further incarceration of the applicant. Hence the following order.

#### O R D E R

I]                   The application is allowed.

II] The applicant Mahadeo Gajanan Mundhe be released on bail in Crime No.293/2021 registered by Ural Police Station, Dist. Akola, for the offence under Sections 304B, 306 r/w 34 of the IPC on his executing PR bond in the sum of Rs. 1,00,000/- with two solvent sureties of the like amount.

III] The applicant shall not tamper with the prosecution evidence or try to undue influence the prosecution witnesses directly or indirectly in any manner.

IV] The applicant shall attend the trial before the learned Sessions Court on each and every date and shall ensure that the trial is not protracted on his count.

V] Any violation of the above conditions shall result in cancellation of bail.

**JUDGE**

**Rvjalit**