



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1962 OF 2023

Digvijay Nivrutti Kausalye and Ors ...Applicants

Versus

The State of Maharashtra & Anr ...Respondents

...

Mr. S. J. Salunke, Advocate for the Applicants.

Mr. M. K. Goyanka, Addl PP, for the Respondent – State.

...

CORAM : R.M. JOSHI, J

DATE : NOVEMBER 30, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 365 of 2023 registered with Bhokar Police Station, Dist. Nanded for the offences punishable under Sections 498-A, 304-B, 306 read with Section 34 of the Indian Penal Code.

2. Ramesh, father of the deceased Ambika, reported to the police about his daughter being married to Applicant No. 1 on 15.05.2023. It is claimed that on 22.06.2023 she left matrimonial home without intimating to anyone about the same. She was found on 02.07.2023. Thereafter she was staying with the informant. It is alleged in the FIR that the deceased told him about the

demand of Rs. 5 lacs for the purpose of purchasing of plot as well as gold.

3. Learned Counsel for the Applicants submits that the statement of deceased was recorded by the police after she was found on 02.07.2023 and in the said statement there is absolutely nothing indicating any demand of dowry being made by the Applicants. It is submitted that since 22.06.2023 the deceased was not staying at her matrimonial home and as such, act of commission of suicide on 07.10.2023 cannot be attributed to the Applicants. Learned Counsel for the Applicants has drawn attention of the Court to the complaint lodged by the Applicants stating that the informant is seeking money from them for not lodging of report.

4. Learned APP opposed the application by relying upon the statement of informant as well as statement of Samadhan who claim that there used to be demand of dowry by the Applicants from the deceased. Thus, according to him, this is not the case of grant of anticipatory bail.

5. FIR indicates that the marriage between deceased and the Applicant No. 1 was solemnized on 15.05.2023. Undisputedly, husband of the deceased was staying away on account of his employment. Statement of the deceased recorded on 02.07.2023 does not make any reference about the demand of dowry. It only says she being taunted by the her parents-in-law. This cannot be treated as instigation to commit suicide. In fact the said statement itself indicates that for some other reason deceased might have committed suicide and Applicants *prima facie* cannot be held responsible for the same. The delay in lodging of the FIR also clearly shows that this could be a case of false implication.

6. Having regard to the aforestated facts and since Applicants have no criminal history and they are not likely to flee from justice, it is a fit case to protect their liberty. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicants in connection with C.R. No. 365 of 2023 registered with Bhokar Police Station, Dist. Nanded for the offences punishable under Sections 498-A, 304-B, 306 read with Section 34 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs.

15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.

- (ii) They shall attend the concerned police station as and when required.
- (iii) They shall not contact the witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.
- (v) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

Malani