

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 977 OF 2021**

1. Yogesh Ramesh Pawar
2. Deepak Ramesh Pawar
3. Vimal Ramesh Pawar
4. Ramesh Manohar Pawar

...Applicants

Versus

The State of Maharashtra

...Respondent

**WITH
INTERIM APPLICATION NO. 862 OF 2023**

.....

Mr. Harshad Sathe a/w Mr. Vinayak Patil for the Applicants.
Mr. P.H. Gaikwad Patil, APP for the State.
Mr. Aadesh Konde Deshmukh for the Intervenor.

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CORAM : N.R. BORKAR, J.
DATED : 24 MARCH 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. I have heard the learned counsel for the applicants, the learned APP for the State and the learned counsel for the complainant/ intervenor.

3. On 23 April 2021, this Court passed the following order:

“1. Heard the learned counsel for the applicant and the learned APP for the Respondent – State.

2. This is an application under section 438 of Cr.P.C. The applicants herein are apprehending their arrest in Crime No.58 of 2021 registered at Chandan Nagar Police Station for the offences punishable under sections 304-B, 498-A and 506 r/w 34 of Indian Penal Code.

3. The case of the prosecution is that on 25th June 2020 the applicant no.1 was married to Nikita, the daughter of the complainant Vinayak Rathod. On 2nd March 2021, there was a phone call by Nikita to her parents stating therein that the applicants are demanding dowry of Rs.50,000/- as agreed. It is the case of the complainant that it was agreed to pay a dowry of Rs.70,000/- at the time of marriage. A part payment of Rs.20,000/- was made and his daughter was being harassed on account of the remainder amount. It is the case of the prosecution that on 2nd March 2021 at about 9.20 am the deceased had called the complainant on her husband's cell phone. She had also talked to her mother and on the same date, she had committed suicide by hanging. It is true that a married girl has committed suicide in her matrimonial house within one year of the marriage. It appears from the records that the applicant nos.2, 3 and 4 are residing separately. It is pertinent to note that in the FIR there is no specific allegation against the husband about the cruelty or harassment. It appears that the allegations are levelled against accused nos.2, 3 and 4.

4. The allegations are omnibus in nature. The applicants undertake to co-operate with the Investigating Agency. In view of this, applicants deserve interim relief. Hence, the following order :-

ORDER

(i) By way of interim relief, in the event of arrest in Crime No.58 of 2021 registered at Chandan Nagar Police Station, Applicants be enlarged on bail on furnishing P.R.Bond in the sum

of Rs.15,000/- each and one or more solvent sureties in the like amount;

(ii) Applicant No.1 shall report to the Investigating Agency on every month between 10.00 am to 12 noon;

(iii) Applicant Nos.2, 3 and 4 shall co-operate with the Investigating Agency and report as and when called.

4. Stand over to 11th June 2021.

5. Parties to act upon an authenticated copy of this order.”

4. The learned counsel for the applicants submits that this Court, while granting interim anticipatory bail by above order dated 23 April 2021 has observed that there are no specific allegations against the husband (applicant No. 1) about the cruelty and harassment and as regards applicant Nos. 2 to 4 the allegations are omnibus. It is submitted that there is no need of custodial interrogation and therefore interim order be confirmed.

5. On the other hand, the learned APP for the State and the learned counsel for the complainant submit that there are specific allegations of demand of dowry against the applicant Nos. 2 to 4. It is submitted that applicant No. 2 had even tried to assault the deceased. It is submitted that considering the nature of offence the applicants may not be released on anticipatory bail.

6. I have perused the statement of witnesses. It appears from their statement that in addition to demand of dowry, the applicant No. 2 had

once tried to assault the deceased. No such allegations are made against the other applicants. I am therefore not inclined to release the Applicant No. 2- Deepak Ramesh Pawar on anticipatory bail. The application to the extent of applicant No. 2 is thus rejected.

7. The interim order passed by this Court dated 23 April 2021 to the extent of Applicant No. 1- Yogesh Ramesh Pawar, Applicant No. 3- Vimal Ramesh Pawar and Applicant No. 4- Ramesh Manohar Pawar is hereby confirmed.

8. Application is disposed of in above terms.

9. Interim Application for intervention stands disposed of.

(N.R. BORKAR, J.)