

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1268 OF 2023

Varsha Nandkumar Beldar ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

CRI-INTERIM APPLICATION NO.2071 OF 2023

Subhedar Ravji Beldar (Patil) ...Applicant

Versus

The State of Maharashtra ...Respondent

IN

CR. ANTICIPATORY BAIL APPLICATION NO.1266 OF 2023

Pallavit Amay Beldar @ Pallavi Murlidhar ...Applicant

Khot

Versus

The State of Maharashtra ...Respondent

Mr. Viresh Purvant i/b Mr. S. M. Bhavar, for Applicant in
ABA/1266/2023.

Mr. Viresh P. i/b Mr. P. V. Khot, for Applicant in
ABA/1268/2023.

Ms. Anamika Malhotra, APP for State.

Mr. Aniket Nikam i/b Mr. Amit Icham, for Intervenor.

Mr. M. D. Bhosale, API, Kamothe Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 7th DECEMBER, 2023

ORDER:-

1) Heard the learned counsel for the applicants and the learned APP for the State.

2) This is an application for pre-arrest bail in connection with C.R. No. 89 of 2023, registered with Kamothe Police Station, Navi Mumbai, for the offences punishable under Sections 498-A, 304-B, 306 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) The marriage of the daughter of the first informant Aishwarya (the deceased) was solemnized with Laxman, the brother of Varsha Beldar, the applicant in ABA No.1268 of 2023 on 20th January, 2022. The first informant alleged that Laxman used to physically and mentally harass the deceased to bring money from her father to purchase a house premises. It was alleged, the deceased was ill-treated at the instigation of Varsha, the applicant. The first informant further alleged that Laxman had a relationship outside marriage with the applicant

in ABA No.1266 of 2023. When the deceased confronted the applicant in ABA No. 1266 of 2023 about the said relationship outside the marriage, the applicant abused and humiliated the deceased. The first informant further alleged that despite attempts to dissuade the husband of the deceased from ill-treating the deceased, the husband of the deceased continued to harass to deceased. Unable to bear the ill-treatment, on 23rd March, 2023, the deceased died by suicide by hanging.

4) When the applications were listed before the Court, by an order dated 27th April, 2023, this Court had granted interim protection.

5) The learned Counsel for the applicant submitted that the allegations in the FIR indicate that no case of subjecting the deceased to cruelty, unlawful demand or dowry death can be said to have been made out against the applicant. In fact, completely false allegations of relationship outside marriage between the husband of the deceased and the applicant in ABA No.1266 of 2023 caused immense mental agony to the applicant. Apart from such bald allegations, there is no material to connect the applicant with the alleged offences.

6) So far as the applicant – Varsha, the learned Counsel for the applicant would urge that there is an omnibus statement in

the FIR that at the instance of the applicant – Varsha, the husband of the deceased subjected her to harassment. Thus, the applicants deserve the exercise of discretion.

7) Mr. Nikam, the learned Counsel for the first informant resisted the prayers for bail. It was submitted that in the statements recorded by the Investigating Officer during the course of the investigation, the complicity of the co-accused has been made out.

8) I am afraid to accede to this submission. I have perused the statements of the witnesses recorded during the course of the investigation. The allegations of unlawful demand and consequent harassment are primarily and singularly against Laxman, the husband of the deceased. It is alleged that Laxman was in a relationship outside marriage with the applicant in ABA No.1266 of 2023. However, apart from such allegations, there is no prima facie material to connect the said applicant with alleged offences. Same is the case with regard to the allegations against Varsha. A general statement is made that at the instance of Varsha, Laxman harassed the deceased.

9) The material on record prima facie does not indicate that there was any demand for dowry emanating from the applicants

and the deceased was subjected to harassment for or in connection with the said demand for dowry.

10) Prima facie, the applicability of the provisions contained in Section 304-B of the Penal Code qua the applicants appears to be debatable. The applicants have been on interim protection. They are woman, and have roots in society. Possibility of fleeing away from justice seems to be remote.

11) I am, thus, inclined to grant pre-arrest bail.

12) Hence, the following order:-

ORDER

I) In the event of arrest of the applicants in connection with C.R. No. 89 of 2023, registered with Kamothe Police Station, Navi Mumbai, for the offences punishable under Sections 498-A, 304-B, 306 read with Section 34 of Indian Penal Code, 1860, the applicants be released on bail on executing a PR Bond in the sum of Rs.30,000/- each, with one or two sureties in the like amount.

II) The applicants shall co-operate with the investigation and attend Kamothe Police Station, Navi Mumbai as and when directed by the Investigating Officer.

III) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first

informant or any of the persons acquainted with the facts of the case.

IV) The applicants shall regularly attend the proceedings before the jurisdictional Court.

V) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

VI) The applications stand disposed.

VII) In view of disposal of the ABA, the Interim Application also stands disposed.

[N. J. JAMADAR, J.]