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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2277 OF 2022**

Anilkumar Satiram Yadav

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Kuldeep Patil i/b Ms. Saili Dhuru for the Applicant.

Mr. A. R. Kapadnis APP for the Respondent-State.

Mr. Ravindra Kadam, API, Pelhar police station present.

CORAM : S. M. MODAK, J.

DATED : 13TH JUNE 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. The present Applicant is husband of the deceased-Pratima. He alongwith his father, his brother-in-law, are charge-sheeted for harassing the deceased and abetting her to commit suicide and they are instrumental for causing dowry death. The charge-sheet is submitted under section 304-B, 306, 498A, 323, 504, 506 read with 34 of IPC.

3. With their assistance, I have considered the allegation in the FIR and what has been said by witnesses. It is true that the first informant and witnesses have said about harassment of the deceased and what is reason for harassment. It is on the ground of bringing of money. The marriage took place on 29th May 2019, and she died on 7th March 2022, at matrimonial house. The death was due to asphexia due to hanging.

4. Learned APP opposed the bail on ground that the deceased has narrated about harassment during her life time to various persons and their statements are recorded. He also invited my attention to statement of friend of deceased Taushid Khan which was registered on 10th March 2022. It is submitted that amount of Rs.7,20,000/- was handed over to Satiram Yadav, who is father of the Applicant. Whereas according to learned Mr. Patil the allegations are false and in fact there are documents, which suggest that the allegations on account of purchase of vehicle and flat are prima facie false. He also submitted that these witnesses have stated about allegations after gap of almost one month.

5. In order to support the contention that the vehicle was purchased by the Applicant from his own funds, he relied upon the

invoice on page 287 and payment made through HDFC bank. In order to support the contention, in fact the flat was purchased by the Applicant in his name, and the name of deceased wife, he invited my attention to the agreement on page 159. It is dated 8/2/2019. he contends that though the agreement is of the year 2019, the payment was made earlier to marriage.

6. In order falsify the allegations of raising of money by the first informant for financing flat, he invited my attention to the agreement at page 232 in between Kusum Yadav, who is mother of deceased and the purchaser. It was executed on 4/01/2020 i.e. after the incident.

7. It is true that there are allegations about harassment in the FIR as well as in the statement of relatives against present Applicant. It is also true that the friend of deceased Taushid Khan has said about attending D-Pharm course by deceased during her lifetime. He has also said about unhappiness of the deceased expressed to him and it is due to harassment by the Applicant. It is also true that earlier to incident on 7/3/2022, deceased has expressed her feelings by way of WhatsApp status.

8. On prima facie reading of the documents as pointed out to me,

it can be said that the applicant has offered some explanation to counter the reasons for harassment i.e. for purchasing of the vehicle and flat. Initially, I was not inclined to grant bail to the Applicant. It is for the reason that this defence cannot be considered at the time of granting bail, however, when it is contended that all these statements are recorded after gap of almost one month, I am inclined to grant bail to the Applicant. Even the investigation is complete and charge-sheet is filed, no purpose will be served by detaining the Applicant in jail till conclusion of the trial. And one cannot predicate when it will be over. Hence. The following order is passed :

O R D E R

- (a) The Applicant-Anilkumar Satiram Yadav be released on bail in connection with C.R. No.205 of 2022, registered with Pelhar police station for the offences punishable under sections 304-B, 306 read with 34 of IPC. on furnishing personal bond and surety bond of Rs.50,000/-.
- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicant shall attend the trial punctually.

(d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail, after notice to the Applicant.

9. Application is disposed of accordingly.

10. These are my prima facie observations and the trial Court may not be influenced by that.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]