

Sayali Upasani

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3489 OF 2023**

Shivam Kumar

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. I. K. Tripathi and Sonal Gandane i/b C. K. Tripathi, for
Applicant.

Smt. A. A. Takalkar, APP for State.

Mr. Sagar Dhumal, PSI, Mora Sagari Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 13th DECEMBER, 2023

PC:-

- 1) Heard the learned Counsel for the applicant and the learned APP for the State.
- 2) This application is preferred for pre-arrest bail in connection with C.R. No.12 of 2023, registered with Mora Sagari Police Station, Navi Mumbai, for the offences punishable under Sections 304-B and 306 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
- 3) Pallavi (the deceased) was the daughter of the first informant. Her marriage was solemnized with Raghvendrakumar

– accused No. 1, the brother of the applicant. The first informant alleged that, after marriage, the deceased was residing at her matrimonial home at Lekhanagar, Danapur. The in-laws of the applicant were allegedly harassing her on the count that few articles were presented at the time of the marriage. The deceased and her husband shifted to Kegaon in the month of December, 2022. Thereafter, also her husband continued to harass the deceased in order to coerce her to meet the unlawful demand of property. The first informant alleged that he and his son used to transfer the amount in the account of the deceased and tried to persuade with her husband not to harass the deceased. Yet the accused subjected the deceased to cruelty in order to coerce her to meet unlawful demand for property. Unable to bear the ill-treatment, the deceased allegedly died by suicide.

4) The learned Counsel for the applicant submitted that the applicant had no role in the alleged offences. The applicant was falsely roped in for being the brother of the husband of the deceased. Omnibus allegations are made against the relatives of the husband of the deceased.

5) The learned APP resisted the prayer for pre-arrest bail.

6) I have perused the allegations in the FIR. Evidently, the deceased and her husband were residing separately since December, 2022. Though there is an allegation that while the deceased was initially residing at her matrimonial home at Lekhanagar, Danapur, her father-in-law, mother-in-law and the applicant were harassing her on the count that few articles were presented at the time of marriage marriage. There is not shred of allegation against the applicant that after deceased and her husband started residing at Kegaon in the month of December, 2022, the applicant harassed the deceased. All the allegations are primarily against the husband of the deceased, who the Court is informed, has been arrested and is in custody.

7) Prima facie, there is no material to indicate that the applicant can be attributed with the role of having made an unlawful demand of money or dowry. Nor there is material to show that the applicant had subjected the deceased to harassment soon before her death.

8) In the circumstances, a prima facie case is made out to exercise the discretion.

9) Hence, the following order:-

ORDER

- I) In the event of arrest of the applicant in connection with C.R. No.12 of 2023, registered with Mora Sagari Police Station, Navi Mumbai, for the offences punishable under Sections 304-B and 306 read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/ with one or two sureties in the like amount.
- II) The applicant shall co-operate with the investigation and attend Mora Sagari Police Station, Navi Mumbai, on 22nd, 25th and 26th December, 2023 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by the Investigating Officer.
- III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case
- IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.
- V) The application stands disposed.

[N. J. JAMADAR, J.]