

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

ANTICIPATORY BAIL APPLICATION NO. 40 OF 2024

Arunkumar Maurya

..Applicant

Versus

State of Maharashtra

..Respondent

Mr. Rakesh Jadhav for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 9 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 721 of 2023 registered at Dharavi Police Station, Mumbai, on 25.09.2023, under sections 304-B and 498-A of the Indian Penal Code and U/s.3 and 4 of the Dowry Prohibition Act 1961.

2. The F.I.R. is a result of the order passed by the Court of Chief Judicial Magistrate, at Fatehpur, U. P. under section 156(3) of the Cr.p.c. The F.I.R. was transferred and lodged at Dharavi police station vide the C.R.No.721 of 2023 on 25.09.2023. The applicant is apprehending his arrest in connection with that offence.

3. Heard Mr. Rakesh Jadhav, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

4. The F.I.R. is lodged pursuant to the complaint filed by the father of the deceased. The applicant was the husband of the deceased Roshni @ Ekta. She had got married with the applicant on 10.12.2020. At the time of the marriage, the first informant had given Rs.51000/- in cash and other household articles worth Rs.40000/-. However, the applicant's family members were not happy with that expenditure. They demanded Rs.1,50,000/- as dowry and a motorcycle for the applicant. They started treating Roshni with cruelty. The deceased Roshni used to tell about this to her parents. She specifically used to tell them that the applicant and his mother used to beat her. The applicant took Roshni to Mumbai from U.P. on 31.01.2021. The deceased used to call the first informant from Mumbai and used to inform him that the applicant and his uncle Rajkumar used to demand dowry continuously and used to treat her with cruelty. Even the applicant's mother used to demand dowry. On 03.03.2021 Roshni

committed suicide by hanging herself. On this basis the complaint was made.

5. Learned counsel for the applicant submitted that, after the death of deceased Roshni, the Mumbai police had made enquiries and they had not registered any offence against the present applicant. Ultimately, the offence was registered at Dharavi police station much belatedly on 25.09.2023 though the incident had taken place on 03.03.2021. He submitted that, there are no specific allegations about a specific instance attributed to the present applicant. The cohabitation between the couple was hardly for about two months. They had come to Mumbai on 31.01.2021 and she had committed suicide on 03.03.2021. Therefore, it was not possible to believe that the applicant was responsible for commission of suicide. He submitted that the other accused are granted anticipatory bail and, therefore, on parity the applicant also deserves the same relief. He further submitted that the applicant is willing to co-operate with the investigation.

6. Learned APP opposed these submissions. She

explained that the informant had to make an application U/s.156(3) of the Cr.p.c. before the Court of Fatehpur, U.P. and only after the order passed U/s.156(3) of the Cr.p.c. the investigation started and it was subsequently transferred to Dharavi police station because the incident had occurred within the jurisdiction of Dharavi police station. She submitted that, therefore, there is no substance in the submission that there was a delay in registration of the offence. Learned APP produced the statements of the sister of the deceased and their neighbour at Mumbai. She submitted that, both these statements specifically implicated the present applicant.

7. I have considered these submissions. The statement of the sister of the deceased gives details about the expenditure and the demand in respect of the wedding. She has stated that the deceased was given *stridhan* apart from the expenditure in the marriage. Their father had spent around Rs.5,86,000/-. The applicant's family had demanded a motorcycle for the applicant, but their father could not afford it. The deceased was harassed for such demand. From 03.02.2021 the deceased started residing with

the applicant at Dharavi. The applicant's uncle Rajkumar was staying with them. The applicant had damaged the mobile phone of the deceased, therefore, she could not contact her relatives. But whenever her parents used to call the applicant, he used to prevent any possible conversation between the deceased and her parents. Ultimately, the deceased committed suicide on 03.03.2021 by hanging herself.

8. The statement of the neighbour Seema mentions that the applicant was addicted to liquor and that there used to be quarrels between the deceased and the applicant. It is mentioned that the applicant had abused and assaulted the deceased but since it was a matrimonial dispute the others did not intervene.

9. All these statements are specifically implicating the applicant. Definite role is attributed to him. The offence is serious. The delay in lodging the F.I.R. is explained by the learned APP. There is sufficient material against the present applicant. Considering the gravity of the offence, this is not a case where the applicant can be protected U/s.438 of the Cr.p.c.

10. The Application is, therefore, rejected.

(SARANG V. KOTWAL, J.)