

Sayali Upasani

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

BAIL APPLICATION NO. 382 OF 2024

Ramnarayan Fulena Yadav ...Applicant

Vs.

The State of Maharashtra ...Respondent

**SAYALI
DEEPAK
UPASANI**

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SAYALI DEEPAK
UPASANI

Date: 2024.04.02
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Mr. Saurabh D. Butala, for Applicant.
Mr. Tanveer Khan, APP for State/Respondent.
Mr. Abhishek Singh, for first informant.
Mr. Amol B. Shinde, API, Nhava Sheva Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 1st APRIL, 2024

PC:-

- 1) Heard the learned Counsel for the applicant, the learned APP and the learned Counsel for the first informant.
- 2) The applicant, who is arraigned in CR No. 185 of 2023, registered with Nhava Sheva Police Station, for the offences punishable under Sections 306, 304-B, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, has preferred this application to enlarge him on bail.
- 3) The marriage of the first informant's sister Ranjana Anil Yadav (the deceased) was solemnised with Anil Ramnarayan

Yadav, the applicant's son, on 8th May, 2021. Post-marriage, Anil (A1) and the deceased shifted to Mumbai. Satish Ramnarayan Yadav, (A2), the brother of the accused No. 1 was also residing with them. The first informant alleged that the husband and brother-in-law of the deceased used to rake up quarrels with the deceased on one or another pretext. The husband of the deceased allegedly demanded the balance amount of dowry and a car, and subjected her to physical and mental cruelty in order to coerce her to meet the said demand. The deceased went to her parental home in the month of November, 2022. Thereafter, the applicant had fetched the deceased back to her matrimonial home. At that time, the applicant had assured that the deceased would not be subjected to ill-treatment. The deceased died by suicide on 12th September, 2023.

4) Mr. Butala, the learned Counsel for the applicant submitted that there are no allegations of unlawful demand or subjecting the deceased to cruelty in order to coerce the deceased to meet such unlawful demand qua the applicant. In fact, the applicant was residing at his native place. In the supplementary statement of the first informant, there is a reference to an audio recording of the deceased, which indicates that the deceased suspected that her husband had a

relationship outside marriage with another lady. Therefore, at this stage, since charge-sheet has been lodged and investigation is complete, the applicant deserves to be enlarged on bail.

5) The learned APP fairly submitted that the allegations of ill-treatment are primarily against the husband of the deceased. In the supplementary statement of the first informant, there is a reference to the alleged demand of dowry at the time of marriage and the demand for the balance amount post- marriage.

6) The learned Counsel for the first informant submitted that the applicant was equally complicit in abetting the commission of suicide by the deceased. It was submitted that in the statement recorded under Section 164 of the Code of Criminal Procedure, 1973, the first informant has categorically stated that the deceased informed her parents that at the instigation of the applicant, her husband subjected her to cruelty.

7) I have perused the report under Section 173 of the Code, 1973 and the material on record. Primarily the allegations of ill treatment, even before the deceased had gone to her parental home, were attributed to the husband of the deceased. The role attributed to the applicant seems to be that of giving an assurance that the deceased would not be subjected to any further ill-treatment.

8) Evidently, at the time of the alleged occurrence and even prior thereto, the applicant was residing at his native place. The applicant did not share the household where the deceased, her husband and brother-in-law were residing. The audio clip, of which there is a reference in the supplementary statement of the first informant, indicates that the deceased suspected that her husband was in a relationship outside marriage with another lady.

9) In the aforesaid view of the matter, prima facie, there is no material to indicate that the applicant subjected the deceased to cruelty or harassment for or in connection with the demand of dowry soon before the death of the deceased.

10) In any event, investigation is complete and charge-sheet has been lodged. Further custodial interrogation of the applicant does not seem warranted. I am, therefore, inclined to exercise discretion in favour of the applicant.

11) Hence, the following order.

: O R D E R :

(i) The application stands allowed.

(ii) The applicant be released on bail in CR No. 185 of 2023, registered with Nhava Sheva Police Station, for the offences punishable under Sections 306, 304-B, 498-A,

504 and 506 read with Section 34 of the Indian Penal Code, 1860, on furnishing a P.R. Bond in the sum of Rs30,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at Nhava Sheva Police Station on the first Monday of every alternate month between 10.00 am to 12.00 noon for a period of three years or till conclusion of trial, whichever is earlier.

(iv) 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.

(v) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial court shall not be influenced by any of the observations made hereinabove.

[N. J. JAMADAR, J.]