



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4002 OF 2024**

Raghvendra Satish Kumar ... Applicant
versus
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.4426 OF 2024
IN
BAIL APPLICATION NO.4002 OF 2024

Nirajkumar Vinaykumar Sinha ... Intervener
and
Raghvendra Satish Kumar ... Applicant
versus
State of Maharashtra ... Respondent

Mr. Induprakash Tripathi with Ms. Bhagyashri Gawar i/by Mr. C.K.Tripathi, for Applicant.

Mr. H.J.Dedhia, APP for State.

Mr. Sanjeev Kadam i/by Ms. Saili Dhuru, for Intervener.

CORAM: N.J.JAMADAR, J.

DATE : 24 OCTOBER 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in Sessions Case No.8 of 2024 arising out of 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 the Indian Penal Code, has preferred this application to enlarge him on bail.
3. The first informant is the resident of Bhuri, Dist. Gaya, Bihar. Pallavi

Kumari (deceased) was the daughter of the first informant. The marriage of the deceased was solemnized with the applicant on 1 December 2021. The applicant was then working as a Seaman at Naval Station, Karanja, Dist. Raigad. The first informant alleged, at the time of marriage, he had paid a sum of Rs.16 Lakhs in tranches to the father of the applicant. Yet, the deceased was subjected to harassment for inadequate dowry and gifts at the time of marriage.

4. In the month of December 2022, the applicant and deceased started to cohabit at Kegaon, a place near the place of posting of the applicant. The applicant allegedly subjected the deceased to cruelty in order to coerce her to meet the unlawful demand of Rs.10 Lakhs. The deceased used to narrate her woes to the first informant and his wife and elder son Dharmendra Kumar. Despite repeated requests by the first informant not to harass the deceased, the applicant continued to illtreat the deceased.

5. On 30 September 2023 at about 10.00 a.m., the applicant called the first informant and apprised him that the deceased died by suicide by hanging herself in the house. It transpired that on the night preceding the occurrence, the applicant had subjected the deceased to ill-treatment and threatened to kill her. The deceased had sent two video messages on the Instagram account of Dharmendra Kumar.

6. Learned Counsel for the Applicant submitted that apart from the bald

allegation that the applicant used to demand Rs.10 Lakhs, there is no material to indicate that the applicant had ever demanded dowry and subjected the deceased to harassment for or in connection with the demand of dowry.

7. An endeavour was made to urge that the deceased had a relationship outside marriage and when the applicant questioned the deceased, there was a quarrel and the deceased died by suicide, while the applicant was on duty. Since the investigation is complete and the chargesheet has been lodged, further detention of the applicant as an undertrial prisoner is not warranted.

8. Mr. Dedhia, learned APP and Mr. Kadam, learned Counsel for the first informant – Applicant in IA No.4426 of 2024, resisted the prayer for bail. It was submitted that there is contemporaneous record to indicate that the applicant had threatened the deceased and the latter had forwarded video messages to Dharmendra Kumar. Attention of the Court was invited to the transcript of the contents of the video messages.

9. Mr. Kadam, learned Counsel for the first informant, invited attention of the Court to the details of the duties of the applicant on 29th and 30th September 2023 submitted by the Commander, D& C (for Director), which indicates that after having worked for full day on 29 September 2023, the applicant had again reported to duty on 7.15 hours on 30 September 2023 and returned home at about 9.00 a.m. only with a view to take the plea of alibi.

10. I have carefully perused the report under Section 173 of the Code and the documents annexed with it. Prima facie, there is material to indicate that there were ligature marks around the neck of the deceased and she met an unnatural death. The statement of neighbours of the applicant indicate that, when the applicant called them to his house, the body of the deceased was lying on the floor. At this stage, the Court may not delve into the aspect as to whether the deceased met a homicidal or suicidal death as, in the context of the charge under Section 304-B of the Penal Code, the fact that the deceased died in unnatural circumstances is, prima facie, borne out by the material on record. Apart from the deceased, the applicant was the only other inhabitant of the house.

11. In the aforesaid backdrop, the allegations of subjecting the deceased to cruelty or harassment for or in connection with the demand of dowry deserve to be appreciated. Evidently, the deceased met an unnatural death under two years of the marriage. What assumes critical significance, at this stage, is the transcript of the video messages as recorded in the panchanama (pages 131 and 132). In addition to narrating the illtreatment meted out by the applicant, the deceased had confided in her brother about the threat to her life. Those video messages were sent on the previous night itself. There is an unbroken proximity between the said narration and the incident in question. Prima facie, there is material to show that the deceased was subjected to harassment

soon before her death for or in connection with the demand of dowry.

12. If the statements of the witnesses are considered in conjunction with the aforesaid material which, prima facie, incriminates the applicant, I find it rather difficult to accede to the submission on behalf of the applicant that there is no material to substantiate the charge under Sections 304-B and 306 of the Indian Penal Code. I am, therefore, not inclined to release the applicant on bail.

13. Hence, the following order :

ORDER

(i) The Application stands rejected.

(ii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the 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.

(iii) Interim Application No.4426 of 2024 also stands disposed.

(N.J.JAMADAR, J.)