

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

ANTICIPATORY BAIL APPLICATION NO. 163 OF 2024

Suresh Vyankappa Shetty	..Applicant
Versus	
The State of Maharashtra	..Respondent

Ms. Snehal B. Mande for Applicant.
Smt. M. H. Mhatre, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 22 JANUARY 2024

P.C. :-

1. Leave to amend to annex a copy of the order passed by the Sessions Court. Amendment to be carried out within a period of 10 days from today.

2. The Applicant is seeking anticipatory bail in connection with C.R.No.749 of 2023 registered at Bharati Vidyapith Police Station, Pune City, on 20.11.2023. Initially, the F.I.R. was lodged U/s.304-A of the I.P.C. Subsequently, Sections 498-A and 304-B of the I.P.C. were added.

3. Heard Ms. Snehal Mande, learned counsel for the applicant and Ms. Mhatre, learned APP for the State.

4. Learned counsel for the applicant invited my attention to the F.I.R. She submitted that the F.I.R. is very vague. It is lodged after about 40 days from the date of incident i.e. 07.10.2023. No offence is made out in the F.I.R., at all.

5. The F.I.R. is lodged by mother of the deceased Sujata. She has stated that the deceased was earlier married to some other person in the year 2010. The first husband of the deceased passed away in 2020. Thereafter, the deceased got married with the present applicant. He was a divorcee. The marriage took place on 04.05.2023. It is mentioned in the F.I.R. that the applicant and the deceased started residing in Pune since June 2023. In July 2023, the deceased called the first informant telephonically and told her that she was not well. The doctors had told her that because of change in weather she was suffering from sickness. After a few days, the deceased again called the informant and told her that the applicant was asking her about the property which she received

from the first husband. She also complained that the applicant was abusing and assaulting her. She was illtreated. Thereafter the deceased informed her that the applicant was having extra marital affair. In October 2023, the deceased called the informant and told that she was ill since past 8 days but the applicant was not taking it seriously. He was not taking her to any hospital. The informant pleaded with the applicant to take the deceased to some hospital, but he ignored her. On 07.10.2023, the deceased repeated her complaint through a telephonic call. On 08.10.2023 she passed away. On this basis, the F.I.R. is lodged.

6. Learned counsel for the applicant submitted that, there is no demand of dowry or any financial demand made by the applicant reflected in the F.I.R. There is nothing to show that the deceased died unnatural death or that the applicant was responsible for her death.

7. Learned APP submitted that the brother of the deceased has given a statement on 19.12.2023 wherein there is a reference that the applicant had asked the deceased to bring

money from her parents. She produced the postmortem reports before me. The postmortem notes show seven antemortem injuries in the nature of contusion and multiple contusions. However, the opinion is not expressed regarding the cause of death. The opinion was reserved. Till today, the investigating agency does not have opinion of any medical officer regarding the cause of death. Learned APP is seeking time to produce the opinion regarding the cause of death.

8. The postmortem notes do not show any particular injury to any vital organ. At this stage, the evidence collected is quite vague. Therefore, sufficient opportunity needs to be given to the investigating agency to collect more evidence. At the same time, there is substance in the submissions of the learned counsel for the applicant that the F.I.R. was lodged after 40 days and there was no demand of dowry mentioned in the F.I.R. The statement of the brother of the deceased was recorded even a month after that.

9. Considering this situation, the applicant can be granted interim protection till the investigating agency produces the

opinion regarding the cause of death. The applicant will have to co-operate with the investigation.

10. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.749 of 2023 registered at Bharati Vidyapith Police Station, Pune City, till the next date, the Applicant be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) This order shall operate till 21/02/2024.
- iii) The Applicant shall attend the concerned Police Station from 07/02/2024 to 09/02/2024 between 1.00 p.m. to 5.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- iv) Stand over to 21/02/2024.

(SARANG V. KOTWAL, J.)