



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.793 OF 2023
(Rahul s/o Rajesh Patle and anr. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.V. Rai, Advocate for the applicants.
Ms M. Deshmukh, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 02, 2024.

Heard.

2. By this application, the applicants are seeking anticipatory bail in connection with Crime No.431/2023 registered with police station Koradi, Nagpur for offence punishable under Sections 306, 304-B, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. The applicants are apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Sevakram Mayaram Tembhare who is the father of the deceased. As per his allegation the marriage of his daughter was performed with applicant No.1 on 10/05/2023. After marriage, she resumed the cohabitation at the house of the present applicants. For three months she was treated well and thereafter she was ill-treated on account of dowry as well as on domestic reasons that she is not working properly in the house. On

11/11/2023, she visited the house of her neighbour who is her relative also and disclosed that now the torture which she is facing is unbearable and thereafter she has committed suicide by hanging herself. On the basis of said report, police have registered the crime against the present applicants.

4. Learned Counsel for the applicants submitted that other two co-accused are already released on anticipatory bail. As far as the allegations are concerned which are general in nature. Their custodial interrogation is not required. In fact, offence of abetment is not made out against the present applicants. He further submitted that there was no previous complaint regarding the ill-treatment, by the informant or by the deceased. Considering the same, merely because the deceased has committed suicide and by taking the advantage of this fact, this false report is lodged. Now, the investigation is practically completed. The custodial interrogation of the present applicants is not required and they be protected by granting anticipatory bail.

5. Said application is strongly opposed by the state on the ground that the death of the deceased is caused within six months of her marriage in the matrimonial house. There is specific allegation against applicant No.2 that she used to harass the deceased on account of domestic reasons as well as on account of less dowry given by the father of the deceased. As the torture

was unbearable the deceased has committed suicide. The custodial interrogation of the present applicant is required and prays for rejection of the application.

6. Having heard the learned Counsel for the parties. Perused the investigation papers. The recitals of the FIR shows that the marriage was performed on 10/05/2023 and after marriage deceased resumed the cohabitation with the present applicants. It is specifically alleged that she was ill-treated by her mother-in-law and sister-in-law on account of less dowry received in the marriage. It is specifically alleged that applicant No.2 used to quarrel with her on trivial issues like she is not working properly in the house and other domestic reasons. As she fed up with the said ill-treatment at the hands of mother-in-law, she had committed suicide on 11/11/2023. The statements of the witnesses especially the statement of one Meena Jitendra Sahare shows that she is residing in the neighbourhood and also relative of the deceased. The deceased has disclosed to her on various occasions that she is ill-treated by her mother-in-law and other two sister-in-law on account of less dowry and for the trivial reasons. On 11/11/2023, at about 11.00 a.m. deceased had been to her house and disclosed to her that now the torture is unbearable and she is leaving her matrimonial house and will go to her parents house. Though they have convinced her but she went at her house and committed suicide by hanging herself. The similar statements are of other neighbours also namely

Varsha Suresh Pardhi and others which discloses that there was continuous ill-treatment to the deceased at the hands of applicant No.2. As far as the husband i.e. applicant No.1 is concerned only allegation against him is that he has not visited her parents house to bring her back. Regarding the allegation as far as ill-treatment is concerned, there is no whisper in the statement of any of the witness that it was applicant No.1 who was also either intentionally aiding or insisting the other co-accused to harass the victim. Thus, there is general allegation against applicant No.1 but there is specific allegation against applicant No.2. The disclosure by the deceased to the neighbours also shows the allegation against applicant No.2. As far as the abetment is concerned, it should be intentional abetment in order to constitute the offence of abetment. Considering the statements of the witnesses who are the neighbouring witnesses and the recitals of the FIR shows that there was an abetment at the hands of applicant No.2 however, general allegation is made against applicant No.1. In view of that the application deserves to be allowed partly. Accordingly I proceed to pass the following order :

- (i) The application is partly allowed.
- (ii) The prayer of applicant No.2 for grant of anticipatory bail deserves to be rejected and the same is rejected accordingly.

(iii) In the event of arrest, applicant No.1 - Rahul s/o Rajesh Patle in connection with Crime No.431/2023 registered with police station Koradi, Nagpur for offence punishable under Sections 306, 304-B, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iv) The applicant No.1 shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) Applicant No.1 shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)