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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 310 OF 2025

Shiv Bharti Kumar

..... Applicant

VERSUS

State of Maharashtra & Anr.

..... Respondents

Mr. Bharat P. Satra for the Applicant.

Mr. Amit Palkar, A.P.P. for the State.

CORAM : RAJESH S. PATIL, J.

DATE : 3rd FEBRUARY, 2025

P.C. :-

1. This anticipatory bail application has been filed in FIR No. 0772 dated 20th December, 2024 registered with Byculla Police Station, Brihan Mumbai Shahar, under Sections 108 and 85 of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the applicant used to physically assault the deceased daughter of the first informant. The deceased daughter of the first informant was married to the

applicant/accused and was also a mother of a nine months old daughter.

3. After the daughter was born, the daughter of the first informant initially staying with her parents' house in Bihar, and thereafter she came to Mumbai and started residing with the applicant/accused. According to the prosecution, the applicant/accused used to physically assault the daughter of the first informant, however she used to avoid telling her parents about the same. However, as time passed, there was no improvement in the act of the applicant/accused. Being fed up, the daughter of the first informant informed her parents that there is harassment on the part of the applicant/accused (who is her husband).

4. On 18th December, 2024, the informant received a call at 1:30 p.m. wherein the present applicant Shiv Bharti Kumar started abusing the first informant and the daughter of the first informant. Therefore, the first informant disconnected the

telephonic call of the applicant. After some time, the father of the deceased daughter called her and tried to convince her to keep her calm. The first informant also spoke to the applicant. However, the applicant was not ready to hear anything from the first informant.

5. On the next day i.e. on 19th December, 2024, in the morning, the first informant received a call that his daughter has committed suicide. The first informant accordingly filed a police complaint.

6. It is the case of the applicant that after the death of his wife, he has to take care of his girl child aged nine months and also of his mother who is suffering from cancer. Therefore lenient approach be taken by the Court and the applicant be released on bail.

7. The learned A.P.P. has opposed this application and submitted that within three years of marriage, the daughter of

the first informant has committed suicide. Learned A.P.P. further submits that it is imperative to subject the Applicant to custodial interrogation to ascertain crucial facts. Anticipatory bail at this stage would impede the investigation and prevent the collection of vital evidence.

8. Learned A.P.P. further submits that prosecution has a strong *prima facie* case against the Applicant and hence criminal action be taken against the present applicant.

9. Taking into consideration the entire submissions and the documents placed on record, no case is made out by the applicant to grant any protection. The police has recorded the statement of the witnesses. The mother of the deceased has recorded her statement with the police where she has stated that a sum of Rs.50,000/- was sought by the applicant by way of a dowry.

10. Section 117 of the Bharatiya Saksh Adhinyam, 2023 states that a woman who commits suicide within seven years of her marriage, then it is to be presumed that her husband has abated her to commit to suicide.

11. Hence, **this anticipatory bail application stands rejected.**

[RAJESH S. PATIL, J.]