

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1439 OF 2016

Nayana Prakash Dahotre

.....Applicant

V/s.

The State of Maharashtra and another

....Respondents

Mr. A.H.H. Ponda a/w Ms. Malika Ingale a/w Mr. Devendra Avhad i/b Thodur
Law Associates Advocate for Applicant.

Mr. S. H. Yadav APP for the State.

Mr. S. S. Shinde, P.S.I. Pune Railway Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 8, 2016.

PC :

1) Heard the learned counsel for the Applicant and the learned APP.
Perused the papers of investigation. This is an application under section 438 of the Code of Criminal Procedure, 1973. Applicant herein is apprehending her arrest in crime no. 181 of 2016 registered at Pune Railway Police Station for offence punishable under section 306 r/w 34 of the Indian Penal Code.

2) The husband of the Applicant has committed suicide on the Khadki railway track. His dead body was found on track on 02/07/2016. Papers of investigation would indicate that the deceased was being harassed and ill-

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treated by his wife and son. That he was not on talking terms with his wife for three years. Despite that wife had filed a report at the police station alleging therein that she is being ill-treated by her husband on account of demand of dowry that too after almost 40 years of marriage. The plight of the deceased is expressed in his suicidal note dated 12/06/2016 wherein he had stated about the humiliating treatment given at home. That he was made to wander outside the house for the whole day. He expressed that his status was like that of a beggar. His wife and son had told him to die or jump from the terrace of the house and end his life. He preferred to commit suicide. He preferred to commit suicide on the railway track.

3) Although the suicide note shows that there was exhort by the applicant to go and die, it cannot be said that she had in fact, abetted, facilitated or instigated her husband to commit suicide. In the facts of the present case, the custodial interrogation of the applicant would not be imperative. However, it is made clear that observations made herein above are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to the concerned police station as and when called.
- (iv) The co-accused shall not claim parity with the present applicant.
- (v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)