

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1735 OF 2016

1 Sitaram Keru Shirke.
2 Sunita Sitram Shirke.
3 Kalpana Anil Raut. Applicants.

Versus

The State of Maharashtra. ... Respondent.

Mr. Sushrut Jadhwar, advocate for Applicants.

Ms. P.P. Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 15, 2017**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State. Perused papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicants herein are apprehending their arrest
in C.R. No. 290 of 2016 registered at Pant Nagar Police Station for

offence punishable under section 306, 504, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 23rd August, 2015 Sameer Raut lodged a report at the police station alleging therein that his brother Anil was married to applicant No. 3 in the year 2013. they were residing at Kamraj Nagar, Ghatkoper. It appears that the husband and wife were not compatible with each other which resulted into regular quarrels between the couple. It is alleged that the wife was demanding money for purchasing land. That, she was of the opinion that she is not able to bear a child and therefore, also demanded money for treatment. It is further alleged that due to harassment by his wife and the pressure tactics by his in-laws i.e. applicant Nos. 1 and 2, Anil had committed suicide. After leaving suicide note, he had hanged himself to the rafter of his house. The door was locked from inside.

4 The learned Counsel for the applicant submits that at the time when Anil committed suicide, the applicant No. 3 was residing with

her parents i.e. applicant Nos. 1 and 2 and therefore, prima facie, it cannot be said that the applicants have abetted, instigated or facilitated commission of suicide and therefore, the applicants deserve pre-arrest bail and confirmation of the order dated 6th October, 2016.

5 However, the observations are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration while deciding application for quashing of FIR or discharge or at the time of trial.

6 Interim relief granted vide order dated 6th October, 2016 is confirmed on the same terms and conditions except attendance to the police station.

7 The application is allowed and disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)