

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2071 OF 2016

Surekha Shivlal Gaikwad

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. A. P. Mundargi, senior counsel i/b Mr. Indrajeet
B. Kulkarni and Ms. Shilpa Desai Advocate for the Applicant.
Ms. APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 24th MARCH, 2017.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending her arrest in crime no. 103 of 2016 registered at Kopari Police Station for offence punishable under sections 195 (A), 305 & 511 of the Indian Penal Code.

2) It is the case of the prosecution that on 12/10/2016, Mrs. Ghorpade had lodged a report at the police station that her daughter and her friends had reported to Kopari Police Station on 11/08/2016 that they being harassed and

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eve teased by some boys. That the said girls were called to Thane jail for the purpose of identifying the accused who were in custody. Present applicant is neither the friend nor the relative of the accused against whom the girls had lodged a report. In fact, applicant happens to be a neighbour residing in close proximity to the house of the complainant. It is the case of the prosecution that the applicant had spread rumours against the daughter of the complainant and she was telling the girls not to co-operate with the investigating agency as the accused therein are goons and that they could harm the girls by throwing acid or endanger their lives.

3) On 11/10/2016, the complainant had noticed that her daughter was attempting to commit suicide by hanging herself to the rafter of her house. They had brought her to the ground. She was alive. She was admitted in the hospital and was not in a position to give the statement.

4) The learned senior counsel rightly submits that the daughter of the complainant is alive. She had attempted to commit suicide. No F.I.R. is registered against her under section 309 of the Indian Penal Code. Offence is

registered against the applicant under section 305 of the Indian Penal Code which reads thus:

“305. Abetment of suicide of child or insane person – If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication, commits suicide whoever abets the commission of such suicide, shall be punished with death or [imprisonment for life], or imprisonment for a term not exceeding ten years, and shall also be liable to fine”.

5) No offence is made out under section 305 of the Indian Penal Code or under section 195 (A) of the Indian Penal Code. Hence, custodial interrogation of the applicant would not be imperative. Interim relief granted in favour of the applicant vide order dated 01/12/2016 deserves to be confirmed on same terms and conditions.

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. 50,000/- with one or two sureties in the like amount.
- (iii) Applicant shall not make any attempt to tamper with evidence or

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contact the applicant.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)