

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

ANTICIPATORY BAIL APPLICATION NO.1250 OF 2018

Smt.Kanchan Swapnil Dhamankar and ors. ... Applicants

V/s

The State of Maharashtra ... Respondent

Mr.Rahul Sopanrao Kate for the Applicants.

Mr.S.R.Agarkar, APP for the State/ Respondent.

Mr.Suresh G. Gorde, Hawildar, Talegaon Dabhade police station,
Pune (Gramin) present.

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : JUNE 27, 2018.

P.C. :

1. Heard.
2. This is an application under section 438 of Cr.P.C.. The applicants are apprehending their arrest in Crime No.306 of 2018, registered at Talegaon Dabhade Police Station, for the offence punishable under sections 306 r/w 34 of the Indian Penal Code.
3. It is the case of the prosecution that on 13th May 2018, the husband of the present Applicant No.1 committed suicide. On 23rd May 2018, his brother Mangesh Dhamankar reported to the police station that the deceased Swapnil was married to the Applicant No.1 in the year 2002. From the year 2008, there used

to be intermittent quarrels. In 2016, the Applicant No.1 had withdrawn herself from the matrimonial home and had started residing with her parents; on 29th January 2018, the Applicant No.1 had filed a complaint against the Petitioner under the provisions of the Protection of Women from Domestic Violence Act, 2005; that Swapnil had got addicted to alcohol. On 13th May 2018, he had committed suicide. He had left a suicide note dated 11th May 2018, stating therein that in the year 2016 his wife had abandoned his company; that she and her family members had harassed him to such an extent that he was constrained to commit suicide and that he had requested the police to hold them responsible. It is in these circumstances that the offence under Section 306 of IPC is registered against the applicants. Upon perusal of the papers of investigation and the submissions advanced, it is seen that infact the Applicant No.1 had abandoned the company of the deceased way back in the year 2016 and there was no occasion for her to harass him. Since they could not get along, she decided to part with his company and therefore, it cannot be said that the applicant herself had abetted, instigated and facilitated the commission of suicide of Swapnil Dhamankar.

Applicants, therefore, deserve pre-arrest bail. Hence, the following order:-

ORDER

- i) The Application is allowed.
- ii) In the event of their arrest, the applicants be enlarged on bail on furnishing PR bond in a sum of Rs.15,000/- each with one or more sureties in the like amount.
- iii) The applicants shall report to the concerned police station as and when called.
- iv) The application is allowed and disposed of accordingly.

(SMT.SADHANA S.JADHAV, J.)