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

ANTICIPATORY BAIL APPLICATION NO.2374 OF 2018

Mrs. Pooja Anand Chavan

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. R.G. Patil for applicant.

Ms. Rutuja Ambekar, AAP for State.

CORAM : A.S.GADKARI, J.

DATE : 22nd November 2018.

P.C.:

1] This is an application under Section 438 of Cr. P.C for pre-arrest bail in CR No.782 of 2018 dated 19.9.2018 registered with Pandharpur City Police Station, under section 306 read with 34 of the Indian Penal Code.

2] Heard the learned counsel appearing for the applicant and the learned APP for the State. Perused the record.

3] Applicant is the wife of deceased Anand H. Chavan. It is the prosecution case that, the applicant was having extra marital affair with Shri Mahadev Khilare. That the deceased was in opposition of the said relationship and therefore he told the applicant not to entertain Shri

Mahadev Khilare at his house. It is alleged that, on earlier occasion i.e. 27.5.2018 the applicant and Shri Mahadev Khilare had assaulted Anand Chavan on account of some money transactions. On 14.9.2018 the applicant quarreled with Anand (deceased) on account of deceased not permitting Mahadev Khilare to come to their house because of which the applicant had left her matrimonial house and had been to her parents house at village Tavshi. On 16.9.2018 deceased Anand had been to applicant's parents house to fetch her when applicant humiliated deceased and drove him out of her parents house. It is alleged that, due to said humiliation at the instance of applicant, Anand got depressed and committed suicide at Pandharpur.

4] The learned counsel for the applicant submitted that, there was dispute between the applicant and deceased over some monetary transactions as the deceased did not give requisite share to the applicant. It was the reason for quarrel between them. He submitted that, his client denies the allegation of humiliation at her instance to the deceased. He submitted that, the co-accused Mahadev Khilare has been granted pre-arrest bail by this Court by its Order dated 16.10.2018. He submitted that the custodial interrogation of the applicant is not necessary and she may be

protected by pre-arrest bail.

5] Per contra, the learned APP vehemently opposed the application and produced the original record of investigation for perusal of this Court. The record of investigation indicates that, the police have recorded statement of the friend of deceased namely Vaibhav Bagal on 18.9.2018 wherein he stated that on 16.9.2018 at about 11.30 a.m he received a phone call from deceased Anand stating that, he was humiliated by his wife i.e. applicant and he is intending to commit suicide. The said witness therefore gave call to the brother of deceased and asked him to go to the shop situated at market yard and take care of Anand. However, before his brother reached to the said spot, Anand had already committed suicide by hanging himself to the ceiling.

6] Perusal of the record would prima facie indicates that, it is due to the humiliation and abatement by the applicant, deceased Anand was left with no other alternative but to commit suicide which he in fact did. The alleged monetary transactions between deceased and applicant need to be investigated by the police. As far as co-accused Mahadev Khilare is concerned, prima facie it appears that, he was granted pre-arrest bail predominantly on the ground that there was no prima facie material

available on record to indicate that he had created such a situation because of which deceased was left with no other alternative but to commit suicide. Thus he has no role to play i.e. abetment of deceased in the present crime.

7] After taking into consideration the aforesated facts, the record of investigation, so also serious allegations against the applicant and the gravity of the offence, this Court is of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

8] Application is accordingly rejected.

(A.S.GADKARI, J.)