

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 737 OF 2019
WITH
CRIMINAL APPLICATION NO. 583 OF 2018

Nikhil Ergonda Patil and Anr. ... Applicants

Versus

The State of Maharashtra ... Respondent

Mr. Amin Solkar with Ms. Nisbaah Solkar, Advocates for the Applicants.

Mr. Rajan Salvi, APP for the State/Respondent.

Mr. Rounak Naik with Mr. Lochan Chandka, Advocate for Intervenor in APP 583/19.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 1st July, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with CR. No.100/19 registered with Shivaji Nagar Police Station, Dist. Kolhapur under Sections 306 read with 34 of the IPC.
2. The applicants are husband and mother-in-law of deceased

Harsha. FIR is lodged by father of the deceased in respect of her suicide. According to the first informant, deceased was continuously ill treated by both the applicants. The applicant no. 1 was having illicit relationship with another lady and that was the cause of the harassment. It is alleged that the applicant no. 2 used to harass her as well. It is further mentioned that when the deceased had come to her paternal house for delivering her first child, that time she had informed her parents that applicant no. 1 was having illicit relationship with another lady. It is further case of the informant that on 26th February 2019, deceased had called her mother and complained that both the applicants were harassing her and were telling her to leave their house. On the same night she committed suicide

3. Heard Mr. Solkar, learned counsel for the applicants and Mr. Salvi, learned APP for the State, as well as Mr. Naik, learned counsel for the intervener.

4. The learned counsel for the applicant submitted that the deceased was suffering from Chronic Irritable Bowel Syndrome since past many years. On the last occasion, I had directed the investigating officer to verify his claim. Today, the investigating officer has

produced the investigation conducted in that behalf, which shows that she indeed was suffering from such illness since past many years.

5. The learned counsel for the applicant pointed out that every time the applicant no. 1 used to take her for medical treatment and he has taken all the steps for her in the past in that behalf. His conduct shows that he was caring for the deceased and it is contrary to the allegations in the FIR.

6. The learned counsel for the intervener also submitted a medical paper issued by Dr. Kiran's Mind Center, wherein it is clearly mentioned that the deceased was suffering from Major Depressive Disorder ;(Irritable Bowel-Syndrome-Secondary to Stress, Marital Discord). That certificate was dated 9th June 2018. The certificate given by learned counsel for the intervener is taken on record and marked 'X' for identification. Thus, at this stage, it transpires that, there is a possibility that the deceased was suffering from depression as is mentioned in the certificate. In these circumstances, the applicants have made out a case of reasonable possibility that cause of suicide could be because of her depression.

7. Considering all these aspects, custodial interrogation of the applicants may not be necessary. Investigation can proceed and finally

only at the trial it can be determined as to whether applicants were responsible for commission of suicide amounting to abetment as mentioned under section 306 of the IPC. In view of the above, applicants have made out a case for anticipatory bail. Hence, the order:-

ORDER

1. In the event of their arrest in connection with C.R. No. 100/19 registered with Shivaji Nagar Police Station, Dist. Kolhapur the Applicants are directed to be released on bail, on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
3. The applicants shall cooperate with the investigation.
4. The applicants shall attend concerned police station from 15th to 20th July 2019, between 3.00 p.m,. to 5.00 p.m.
5. Application is disposed of.
6. In view of disposal of this application, Cri. Application No. 583/18 does not survive and the same is also disposed of.

(SARANG V. KOTWAL, J.)