

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.844 OF 2019

Tamanna Sohel Baraskar] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Rupesh Zade, Advocate for the Applicant.

Smt. A.A. Takalkar, APP for the State/Respondent.

Mr. Navnath Bhagwat PN 1954 attached to Bhigwan Police Station, Pune (Rural) present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 3rd JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.149/2019 registered with Bhigwan Police Station, Pune (Rural) u/sec. 306, 504, 506 r/w 34 of I.P.C.

2. The FIR is lodged on 15.03.2019 by father of the deceased. It is mentioned in the FIR that the deceased was residing in the neighbourhood of the present applicant. The applicant was suspecting that deceased was having illicit relationship with her husband and therefore she used to threaten and assault the deceased. Because of

her harassment, the deceased committed suicide by hanging herself on 15.03.2019.

3. Heard Mr. Rupesh Zade, Ld. Counsel for the Applicant and Smt.A.A. Takalkar, Ld. APP for the State/Respondent.

4. During the course of the investigation, statement of mother of the deceased was recorded in which there is a reference to an incident where the family members of both the families had tried to find a way out. There is some reference to the name of sister-in-law of the applicant who had allegedly threatened the deceased. There is no reference to the threat issued by the present applicant.

5. The investigation relies heavily on the suicide note purportedly written by the deceased in a note book. The note book was seized during investigation.

6. The Investigating Officer is present today in the court. Ld. APP on his instructions and from the investigation papers could not point out under what circumstances the note book was seized. The

panchanama in that behalf is not included in the investigation papers. There is only one seizure memo of the note book. However, the investigation papers did not include the statement of the panchas. Therefore, though the suicide note has specific mention regarding the applicant's acts and has fixed the responsibility of the applicant for commission of suicide, at this stage, there is nothing on record to connect the suicide note with the deceased with sufficient investigation material. Even the specimen hand writing is provided by the mother. The deceased's hand writing from an independent source was not collected during the investigation. Therefore, hand writing expert's report will not be of any use at this stage. In any case, even the hand writing expert's report is still awaited. In this view of the matter, the custodial interrogation of the present applicant is not necessary. She can be directed to co-operate with the investigation. Hence, the following order.

ORDER

1. In the event of her arrest in connection with C.R.No.149/2019 registered with Bhigwan Police Station, Pune (Rural), the Applicant be released on bail on her furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the

like amount.

2. The Applicant shall co-operate with the investigation.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)