

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

ANTICIPATORY BAIL APPLICATION NO.1870 OF 2019

Sonali Vijaykumar Pawar & Anr. Applicants
versus
The State of Maharashtra Respondent
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- Ms.Shraddha Sawant, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- PI Mr.Anil Gade, Mangalwedha Police Station, Solapur, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 27th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.268/19 registered with Mangalwedha Police Station, Solapur, under sections 306 r/w 34 of the Indian Penal Code.
2. Applicant No.1 is the wife of deceased Vijaykumar Bhagwat Pawar and Applicant No.2 is the Applicant No.1's uncle. The FIR is lodged by elder brother of the deceased. The first informant Bharat Bhagwat Pawar has stated in his FIR that the deceased had passed the MPSC exams in the year 1991 and was

in a Government Service. He got married with one Sharayu in the year 1992. They had a troubled marriage and there are various allegations against Sharayu and her family mentioned in the FIR. The FIR shows that Sharayu and her family harassed him. The matrimonial proceedings were still pending in the Court. In the year 2008 the deceased got married with the Applicant No.1. It is alleged that the Applicant No.1 was not behaving properly with him. It is alleged in the FIR that a piece of land belonging to the mother of the deceased was transferred in the name of Applicant No.2. It is alleged that the Applicant No.1's brothers wanted license for their beer bar and for that purpose they were harassing the deceased. It is alleged that the Applicant No.1 and others used to even assault the deceased. In the midnight between 21/03/2019 and 22/03/2019 the deceased fired shots at the Applicant No.1 and thereafter himself committed suicide by hanging himself. A suicide note was found with him in which she had blamed his first wife and her relatives as well as the Applicant No.1 and her relatives. On this basis, the FIR is lodged.

3. Heard learned Counsel Ms.Shraddha Sawant for the Applicant and learned APP Ms.A.A. Takalkar for the State.
4. Learned Counsel for the Applicant submitted that no offence u/s 306 of IPC is made out against either of these Applicants. The Applicant No.1 has suffered serious injuries at the hands of the deceased. It appears that the deceased had committed suicide in a disturbed state of mind. It cannot be said that the Applicant No.1 in any manner was instrumental in driving him to commit suicide. The Applicant No.2 was residing at a far away place. He had purchased the land of Applicant on consideration, which is mentioned in that document itself and therefore even that cannot be called as abetment to commit suicide.
5. Learned APP has opposed this application. She submitted that the FIR gives details of harassment against various persons. She submitted that the deceased was working in Mantralaya and unless driven to commit suicide he would not

have committed such act. Looking at the gravity of the offence custodial interrogation of the Applicant is necessary. She also relied on the suicide note, in which he had blamed the present Applicants and their relatives.

6. I have considered these submissions. The FIR mentions that the Applicant No.1 was not behaving properly with the deceased. The deceased himself was working with the Government at a high post. Therefore he was not a helpless person. He had all the means to protect himself from such harassment. It is quite unbelievable that the Applicant No.1 and her family members could harass the deceased in this manner. The transaction between the deceased and the Applicant No.2 shows that the land was sold through proper sale deed for consideration. Therefore, the allegations that it was simply transferred in his name as mentioned in the FIR has no basis. Thus, though the suicide note does mention the name of the present Applicant, the suicide note also blames his earlier wife and the harassment he had undergone because of matrimonial

dispute with his first wife. The fact also remains that before committing suicide, the deceased had fired shots at the Applicant No.1 who had survived. Taking into consideration all these aspects it appears that the deceased had committed suicide in a disturbed state of mind. However, the allegations do not show that either of these Applicants had committed offence of abetment as defined u/s 107 of IPC. In this view of the matter, the custodial interrogation of the Applicant is not necessary. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.268/19 registered with Mangalwedha Police Station, Solapur, 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.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)