

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2270 OF 2019

Bhagirathi Siddappa Jatteppagol

.... Applicant

Versus

The State of Maharashtra

.... Respondent

- Mr. Aniket Nikam i/b. V.N. Arote for the Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent

CORAM : SARANG V. KOTWAL, J.
DATE : 16th OCTOBER, 2019.

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.378 of 2019 registered with Hadapsar Police Station, Pune under Section 306, 498(A), 504 read with Section 34 of the Indian Penal Code.

2. The F.I.R. is lodged on 02.05.2019. The husband and son of the applicant are already arrested. Charge-sheet is filed against them.

3. The prosecution case is that the victim had got married with applicant's son on 20th May, 2018. The allegations are that the husband of deceased was doubting her character. The victim was

pregnant and on 21st April, 2019 she committed suicide by jumping from 3rd floor of her parental house. On checking memory card of mobile phone, it was seen that there was conversation between victim and her husband. It was heard from recording that her husband was doubting her character and disputing paternity of the foetus.

4. The F.I.R. was lodged by the mother of the deceased on 2nd May, 2019. She has stated that her daughter got married with applicant's son on 9th April, 2017. Her daughter was still studying, therefore for that purpose she was residing with the informant. Victim's husband used to meet her at informant's house. On 20th May, 2018 the victim was sent to her matrimonial house. In November, 2018 when the informant visited the victim, she told her that, her husband and applicant used to quarrel with her. The informant took victim with her for a few days. When the victim was residing with informant they came to know that victim had become pregnant. Then victim had informed the said fact to her husband. He replied that he would tell her on informing the said fact to his parents, whether the victim should continue with the pregnancy or not. In March, 2019, applicant's son (victim's husband) saw a photograph of a lady in indecent pose on a networking site. The face was not seen in that photograph. The victim's husband blamed the victim and alleged that it was her own photograph. One person alongwith two other girls

came to victim's house. It was claimed that the photograph was of one of those girls.

5. It is further mentioned in the F.I.R. that the applicant herself saw that girl in the same pose to find whether that photograph was of that girl or of the victim. The applicant was not satisfied that the photograph was of the girl brought to their house. Therefore, the applicant's family still believed that the photograph was of the victim herself. Since then the victim started staying with her parents. She was always under stress. It is the case of the first informant that victim's husband continued in doubting her character. In that state of mind the victim jumped from 3rd floor of her house on 21st April, 2019. After about 4-5 days i.e. on 27th April, 2019 the victim's brother took her mobile phone and he found on 15th and 16th April, 2019 there was recorded conversation in her mobile phone with her husband. Applicant's son (i.e. victim's husband) was alleging that the child was not his, and he was suspecting her character. Due to which deceased committed suicide. In short, these are the allegations in the F.I.R.

6. Heard Mr. Nikam learned counsel for the applicant and Mr. Jadhav learned A.P.P. for the State.

7. Mr. Nikam learned counsel for the applicant submitted that there are only a vague allegations against the applicant. Her husband

and son are already arrested and they are in custody. The main allegations are against husband of victim. Conversation in mobile phone shows that just a few days prior to the victim's death, her husband had conversation with her. The victim's husband was suspecting her character and these are vague allegations against him. According to Mr. Nikam that was the cause of suicide. The present applicant had nothing to do with that incident. Mr. Jadhav, learned A.P.P. pointed out that the charge-sheet is already filed. In charge-sheet there is a statement of one Rani Rajesh Balwant who was neighbour of the victim's parents. She has stated in her statement that the victim jumped from the building because of her constant quarrel with her husband. This witness has stated that, the victim had told her that, her husband, mother-in-law and father-in-law used to harass her. Her husband used to pick up quarrel saying that the child was not of his. The learned A.P.P. submitted that therefore, the applicant was involved in the crime.

8. I have considered these submissions. As submitted by the learned counsel for the applicant the allegations against the applicant are regarding one specific incident, when the applicant had checked identity of the person, whose photograph was found to be objectionable. Apart from that particular incident, there is no specific allegation, except general statement that she used to harass the

victim. Apart from that, the F.I.R. itself shows that prior to the commission of suicide victim had conversation with her husband. The husband was suspecting her character. That was the immediate cause for commission of the suicide. At this stage, therefore, there is no material against the applicant, except general allegations. Even otherwise, custodial interrogation, in such circumstance would not be necessary. The victim had committed suicide when she was residing with her parents. She was residing there for more than a month. Therefore, it is doubtful whether the applicant herself can be said to have instigated the deceased to commit suicide. In this view of the matter, the applicant deserves the protection of anticipatory bail. Hence, the following order -

ORDER

- i) In the event of her arrest in connection with C.R.No.378 of 2019 registered with Hadapsar Police Station, Pune, the applicant is directed to 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.
- ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)