

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

CRIMINAL BAIL APPLICATION NO. 3144 OF 2018

Mrs. Bharti Pravin Vinjuda	... Applicant
Vs.	
State of Maharashtra	... Respondent

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Mr. J.A. Udaipuri I/by M/s Udaipuri & Company for applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.
Mr. V.S.Baraf, Tuling Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 22nd JANUARY, 2019.

P.C.

1. This is an application for bail in connection with CR No. I-1211/2018 registered with Tulinj Police Station, Nallasopara for the offence punishable under Section 306 of Indian Penal Code. First Information Report was lodged on 5th November, 2018.
2. Prosecution case appears to be that there was quarrel between the applicant and the deceased mother-in-law in respect of selling the flat in which they were residing. On the alleged date of incident, the applicant had allegedly quarrel with the deceased mother-in-law and due to mental tension victim has committed suicide. FIR was lodged under Section 306 of Indian Penal Code. Applicant was arrested. On completion of investigation, chargesheet has been filed.

3. Learned counsel for the applicant submits that accepting that factual matrix as it is the offence under Section 306 of Indian Penal Code is not made out. Assuming that there was quarrel between the applicant and deceased, it cannot be said that there was abetment to commit suicide. Learned counsel for the applicant has placed reliance on the order passed by the Division Bench of this Court in the case of *Kishor Shinde Vs. State of Maharashtra in Criminal Application No. 814 of 2014.*

4. Learned APP submitted that informant has categorically stated the nature of harassment meted out to the deceased. Due to continuous harassment to the victim, she has committed suicide which amounts to abetment to commit suicide as envisaged under Section 307 of Indian Penal Code.

5. Apparently, it appears that there was dispute on account of selling the premises which is spelt out in the First Information Report and other statements. Deceased had committed suicide by setting herself on fire. Applicant was arrested and since then she is in custody. Investigation is completed and chargesheet has been filed against the applicant.

6. Taking into consideration the nature of allegation, I do not find that further custody of the applicant is necessary. It would

not be appropriate with regards to the maintainability of charge under Section 306 of Indian Penal Code at this stage. However, *prima-facie* due to dispute between the applicant and deceased who was her mother-in-law in relation to sale of premises victim has committed suicide. Applicant cannot be kept in a prolonged custody. Hence, case for grant of bail is made out. I pass the following order.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. I-1211 of 2018 registered with Tulinj Police Station on furnishing P.R Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii. Applicant is permitted to furnish cash security in the sum of Rs.20,000/- for a period of eight weeks;
- iv. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)