

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

952 ANTICIPATORY BAIL APPLICATION NO. 837 OF 2020

Bhikari Bhudhan Salve,
Age. 25 years, Occ. Education,
R/o. Lalbag, Burhanpur,
Dist. Burhanpur, (Madhya Pradesh).

...Applicant.

Versus

The State of Maharashtra.

Advocate for Applicant : Mr. A.J. Patil.
APP for Respondent : Mrs. P.V. Diggikar.

CORAM : MANGESH S. PATIL, J.
DATE : 05.11.2020

Per Court :

Apprehending his arrest in connection with Crime No. 126 of 2020 punishable under Section 306, 506 read with Section 34 of the Indian Penal Code registered with Bodwad Police Station, District Jalgaon, the applicant who is cited as accused No. 4 is seeking bail under Section 438 of the Code of Criminal Procedure.

2. In substance, the allegations are to the effect that the sister of the applicant was married to the deceased on 23.04.2017. She was maintained properly for first six months of the marriage but thereafter, a matrimonial dispute cropped up. At her insistence, the couple had started residing

separately. Even they begot a child. However, subsequently the matrimonial dispute aggravated. She went back to her parental home. The deceased was not allowed to meet the child. The parents-in-law and the applicant started threatening the deceased of implicating him and his parents for the offence punishable under Section 498-A of the Indian Penal Code. They also started demanding money and were not allowing him to meet the child and thereby, persistently harassed him and drove him to commit suicide.

3. Learned Advocate for the applicant submits that accepting the allegations at their face value, all the necessary ingredients for constituting the abetment as defined under Section 107 of the Indian Penal Code cannot be made out. There was a matrimonial dispute. The wife of the deceased was staying with her parents. He was not being allowed to meet the son and over and above there was a threat of lodging a complaint and demand for money as well. All these circumstances cumulatively must have led the deceased to commit suicide. As far as instigation, conspiracy or intentional aid is concerned, none of these circumstances would fit in any of these.

4. As has been laid down in the case of **Sanju @ Sanjay Singh Sengar Vs. State of Madhya Pradesh, 2002 Criminal Law Journal 2796**, even if the allegations are to the effect that the deceased was suggested by the accused to

go and die, it would not constitute abetement under Section 107 of the Indian Penal Code.

5. Therefore, *prima facie* though there was a matrimonial dispute and the deceased was under some stress, one cannot readily infer that all the accused were intending to drive him to commit suicide.

6. Be that as it may, considering the nature of the allegations, the applicant deserves to be granted anticipatory bail subject to usual terms and conditions.

7. The application is allowed. In the event of arrest of the applicant in connection with Crime No. 126/2020, registered with Bodwad Police Station, District Jalgaon, he shall be released on bail on furnishing Personal Recognizance for an amount of Rs. 15,000/- (Rupees fifteen thousand) and a surety in the like amount subject to the following conditions :

(a) He shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate him.

(b) He shall not tamper the evidence and influence the witnesses.

(MANGESH S. PATIL, J.)