

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

ANTICIPATORY BAIL APPLICATION NO. 139 OF 2021

1. Premnath Eknath Bundhe
2. Sau. Sunanda w/o Premnath Bundhe
3. Sau. Shrunkhala w/o Ashish Dok
4. Ravindra s/o Premnath Bundhe
5. Smt. Urmila w/o Haridas Borade ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. N. S. Ghanekar, Advocate for the applicants

Mr. V. S. Badakh, APP for respondent-State

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CORAM : R. G. AVACHAT, J.

DATED : 19th MARCH, 2021

PER COURT :-

. This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicants claim to have an apprehension of being arrested in connection with Crime No.0016/2021, registered at Paradh Police Station, Taluka Bhokardan, District Jalna, for the offences punishable under Sections 306 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR).

The FIR has been lodged by the father of the deceased Haridas. It is alleged in the FIR that the deceased had married applicant No.5 in May-2019. After having stayed for little over 1½ years at the matrimonial home, the applicant No.5 went back to her parent's house at Buldhana. She refused to come back for cohabitation. She had insisted the deceased to come to her parent's residence for staying permanently. The deceased, therefore, started residing at the house of his parents-in-law along with applicant No.5. In January-2021, there were grampanchayat elections. The mother of the deceased was in the fray. The deceased has therefore come to his father's house. His mother got elected. The applicant No.5 was requested to come to her matrimonial home. She refused. The deceased, therefore, went back to the house of his parents-in-law. They, however, did not allow him to stay with them. He was not treated well. His household belongings were thrown out of the house. The deceased had informed the same to his father (informant). The brother of the deceased had therefore brought him back to his father's house. On 21.01.2021, the deceased committed suicide by hanging. It has been alleged in the FIR that due to

harassment and ill treatment meted out by the applicants, the deceased was compelled to end his life.

3. Shri Ghanekar, learned Advocate for the applicants would submit that custodial interrogation is not required of the applicants. The deceased might be a person of weak kind. The applicants cannot be attributed with an intentional conduct to drive the deceased to commit suicide.

4. Learned APP would on the other hand, urge for rejection of the application.

5. The applicant Nos. 1 and 2 are the parents-in-law of the deceased. Applicant No.3 is his married sister in law, while applicant No.4 is his brother-in-law (wife's brother). Applicant No.5 is the widow of the deceased. Admittedly, after the marriage, the deceased and his wife had stayed for little over 1½ years at the house of the informant. The applicant No.5, thereafter, went back to her parent's house for no return. At the instance of the applicants, the deceased had started residing at their residence (house of in-laws). It is alleged in the FIR that he was not treated well there. A few days before he committed suicide, he was turned out of the house. During

investigation, it has transpired that the behaviour of the applicant No.5 was not good. It appears that the deceased took it to his heart. Intention is one of the ingredients of the offence of abetment of suicide. Whether the conduct of the applicants was such and was intended to drive the deceased to commit suicide, could only be ascertained after trial. From the allegations in the FIR, custodial interrogation of the applicants is not warranted. I am, therefore, inclined to grant the applicants, anticipatory bail. Hence, following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with Crime No.0016/2021, registered at Paradh Police Station, Taluka Bhokardan, District Jalna, for the offences punishable under Sections 306 read with Section 34 of the Indian Penal Code, they be released on bail on their executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety in the like amount.

- (iii) The applicants shall appear before the investigating officer as and when required.
- (iv) The applicants shall not tamper with the prosecution evidence in any manner.

[R. G. AVACHAT, J.]

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