

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 ANTICIPATORY BAIL APPLICATION NO.1113 OF 2021

SUNITA W/O. SURESH PIMPRE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. D.M. Shinde, Advocate for the applicant.
Smt. V.S. Choudhari, A.P.P. for the respondent - State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 08-10-2021

ORDER :

1. The applicant is apprehending arrest in CR No. 128/2021 registered with Kurunda Police Station, District Hingoli for the offences punishable under Sections 306, 506 and 507 read with Section 34 of the Indian Penal Code (for short, "IPC").

2. The complaint was lodged by the sister of deceased. It is alleged that the deceased Ishwar and Suresh Pimpre were drivers. Suresh used to insult the deceased and he was always under tension. On 02.07.2021 at about 2.00 p.m. the deceased went towards plot. A quarrel was going on amongst Suvarna Pimpre, Suresh Pimpre, Motiram Pimpre and Shivaji Pimpre. He pacified the quarrel. The victim was assaulted. He lodged report on 3rd July 2021. In pursuant to that accused were threatening the victim to withdraw the complaint lodged by him or else he would be implicated in the case of outraging modesty. On 5th July 2021, the applicant lodged complaint against deceased alleging outraging of

modesty. The victim was under tension. On 6th July 2021 he left home and did not return. He committed suicide.

3. The contention of the applicant is that the offence under Section 306 of the I.P.C. is not made out. There was no instigation or abetment to commit suicide. Except the allegation of registration of false case against the deceased, there is no other material to show that the victim was compelled to commit suicide. The applicant need not be subjected to custodial interrogation.

4. Learned A.P.P. submitted that the contents of the First Information Report and other circumstances clearly show that on account of threats given by the accused including the applicant to the deceased to withdraw the complaint lodged by him, he was compelled to commit suicide. There is sufficient evidence to show that there was instigation and / or abetment by the accused. The offence is of serious nature and custodial interrogation of the applicant is necessary.

5. I have perused the documents on record. The F.I.R. is lodged by the sister of the deceased. It is alleged that the victim was assaulted and in that respect he lodged complaint. There was pressure of the accused to withdraw the said complaint and indeed the complaint was lodged by the applicant. Assuming the facts are to be true, it is debatable whether Section 306 of the I.P.C. could be attracted in this case. Considering the factual aspects of this matter, she need not be subjected to custodial interrogation. Hence, the following order.

ORDER

- (i) ABA No. 1113 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in CR No. 128/2021 registered with Kurunda Police Station, District Hingoli, the applicant be released on bail on executing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall appear before the Investigating Officer as and when called for, till filing of the charge-sheet.

6. The application is disposed of.

(PRAKASH D. NAIK, J.)

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