

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

ANTICIPATORY BAIL APPLICATION NO. 1180 OF 2020

Monali Vishal Punde, Age 26 years,
Occup. Household, R/o. Takarkheda
(More) Tq. Anjangaon, Dist. Amravati. ... **Applicant.**

VERSUS.

The State of Maharashtra,
Through: Police Inspector,
Pimpalner Police Station, Dhule. ... **Respondent.**

...

Advocate for the Applicant : Mr. N.N. Desale.
APP for the Respondent/State : Mrs. R.P. Gaur.

CORAM : **MANGESH S. PATIL, J.**
DATE : **19.01.2021.**

PER COURT :

The applicant who happens to be the wife of the deceased is being implicated for abetment of his suicide and seeking bail in the event of her arrest in connection with Crime No. 57/2020, registered with Pimpalner Police Station, District Dhule for the offences punishable under Section 306, 507 read with Section 34 of the Indian Penal Code.

2. In substance it is alleged that because of her behaviour the deceased was having several grievances against her which he enlisted in a writing which is now being referred to and relied upon as a reason for the deceased to commit suicide.

3. The learned advocate for the applicant submits that the applicant is a woman. Even if the deceased had some grievances against her and her behaviour/conduct, that would not be sufficient to attribute her with abetment. The allegations would not constitute as abetment under Section

107 of the Indian Penal Code. The applicant being a woman she may be protected by way of anticipatory bail.

4. He would further submit that already the applicant has been granted ad-interim anticipatory bail by the order dated 21.12.2020. There are no allegations about she having committed any breach. She is ready to cooperate by any conditions. Her custodial interrogation is not necessary. Besides, there is enormous delay in lodging the F.I.R. He therefore submits that the ad-interim anticipatory bail may be confirmed.

5. The learned A.P.P. submits that the offence is serious. It is only because of the tolerant nature of the deceased that he could pull on the marital life. He was left with no alternate but to end his life having experienced harassment at the hands of the applicant which he has put up in writing. The matter being under investigation no indulgence be shown to her.

6. I have carefully gone through the papers. The note being described as a suicide note is in fact a writing wherein the deceased apparently has enlisted the grievances touching the behaviour of the applicant. Accepting those at their face value one cannot comprehend how and why he would have to continue cohabitation with her if there were so many reasons for the discord .

7. Be that as it may, mere incompatibility in the marital life cannot be said to be abetment within the meaning of Section 107 of the Indian Penal Code if one of the couple commits suicide. Going by the allegations, except the behaviour of the applicant there was no sound and sufficient reason much less which would constitute instigation to commit suicide.

8. The applicant is a woman. She is already granted ad interim anticipatory bail. There are no allegations about she having committed breach of the terms and conditions, therefore the application deserves to be

allowed.

9. The Application is allowed. Ad-interim relief granted by the order dated 21.12.2020 stands confirmed on the same terms and conditions.

(MANGESH S. PATIL, J.)

mkd/-