

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

ANTICIPATORY BAIL APPLICATION NO.1235 OF 2020

**ARJUN KESHAV SANAP
SUJATA ARJUN SANAP
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Ajay H. Saravde

APP for Respondents: Mr. V.M. Kagne

Advocate for Assist to APP : Mr. N.R. Thorat

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CORAM : MANGESH S. PATIL, J.

DATE : 22.01.2021

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure.

2. The deceased was a girl of marriageable age. The engagement was fixed between her and the main accused Sagar. After deliberation, it was agreed by her parents that they would perform the marriage at Nashik and paid an amount of Rs.2,00,000/- and 1 tola gold-ring with the intervention of a middleman. It is then alleged that the deceased had even stayed in the house of the accused persons i.e. the groom and his parents for 15 days. Even accused Sagar had stayed in her parental house for 8 days.

3. It transpires that subsequently the accused persons started suspecting that she was a curse as three of their family members had died since performance of the engagement ceremony. It is then alleged that on

01.11.2020 a meeting was held in which meeting the accused persons disclosed their intention to not to go ahead with the marriage. They abused and driven out the deceased and her relations. It is then alleged that she subsequently committed suicide on 04.11.2020.

4. On the basis of the FIR lodged by her brother a crime was registered as Crime No.431/2020 for the offences punishable under Sections 306, 406, 504 read with Section 34 of the Indian Penal Code. Sagar has been arrested and released on bail. The applicants are his parents seeking anticipatory bail.

5. The learned advocate for the applicants submits that going by the FIR, primarily the allegations are only against Sagar. Though there was some dispute and even the applicants refused to go ahead with the marriage, they cannot be attributed with instigating the deceased to commit suicide. The Investigating Officer must have had sufficient opportunity to interrogate Sagar. There is no reason why they have to resort to custodial interrogation of the applicants. They are ready to cooperate the Investigating Officer and may be granted anticipatory bail.

6. The learned APP assisted by the learned advocate for the informant opposes the application. They submit that offence is serious. Irrespective of the reason for not going ahead with the marriage, the fact remains that the gold ornament and the cash paid at the time of the engagement has to be recovered which cannot happen except by resorting to the custodial interrogation. They would further submit that as mentioned in

the FIR, the applicants and Sagar had insulted the deceased which would constitute sufficient instigation for her suicide. The application be rejected. Even in the statement of the intervenor who had played role in arranging the marriage, Mr. Ankush Jagannath Sanap has specifically stated as to how was the behavior of the applicants when he was told by the parents of the deceased that they were not ready to go ahead with the marriage. The learned APP would also point out that even the statement of the lady who had purchased the land from the father of the deceased to point out how had she generated money for being paid to the applicants, corroborates the version in the FIR. The offence being serious, the application may be rejected.

7. I have carefully gone through the papers. It is indeed unfortunate that the bride had to take a last step and end her life instead of getting married. What is the reason for not going ahead with the marriage is a matter which need not be gone into. The facts remains that the marriage was arranged and subsequently the accused persons backed off.

8. *Prima facie*, it appears that such state of affairs in all probability must have triggered the deceased to end her life.

9. Whatever may be the reason, going by the FIR, no specific and precise role except their decision to not to go ahead with the marriage is attributable to the applicants. As can be seen, the deceased has apparently blamed Sagar as the reason why she was under stress. There is no statement or whisper in the FIR about the deceased having similarly

attributed any other role to the applicants.

10. Considering the aforementioned facts and circumstances, when Sagar has already been arrested and granted bail, custodial interrogation of the applicants does not seem to be necessary.

11. The application is allowed. In the event of the arrest of the applicants in connection with Crime No.431/2020, registered with Ashvi Police Station, District Ahmednagar for the offences punishable under Section 306, 406, 504 read with Section 34 of the Indian Penal Code, they shall be released on bail on their executing personal recognizance for an amount of Rs.25,000/- each and furnishing a solvent surety in the like amount each, subject to following conditions:

- a) They shall attend the concerned police station on 28.01.2021 and 01.02.2021 between 11 a.m. and 2 p.m. and shall cooperate the Investigating Officer.
- b) They shall not tamper the evidence or influence the witnesses.

(MANGESH S. PATIL, J.)

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