

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1242 OF 2021

1. Salim Suleman Didbag
 2. Shakir Suleman Didbag
- Applicants

versus

State of Maharashtra

.... Respondent

.....

- Mr.Raja Thakare, Senior Advocate i/b. Bharat Kishore Manghani, Advocate for Applicants.
- Ms.Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 31st MARCH, 2021

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No.36/2021 registered with Gadhinglaj Police Station, Kolhapur, under sections 306, 498-A, 506 r/w 34 of the Indian Penal Code. The Applicants were arrested on 28/01/2021 and since then they are in custody. The charge-sheet is not yet filed. As of today, they are in magisterial custody. The Applicant No.1 is the husband and Applicant No.2 is the brother-in-law of the deceased.

2. Heard Mr.Raja Thakare, learned Senior counsel for the Applicant and Ms.Pallavi N. Dabholkar, learned APP for State.
3. The FIR is about the harassment faced by the sister of the first informant and suicide committed by her between night of 24/01/2021 and 25/01/2021.
4. FIR describes that the deceased had got married with Applicant No.1 on 08/06/2007. It is alleged that, she was harassed by the Applicants' family after her marriage. On the date of incident, deceased was residing with the first informant. There was a meeting fixed for deciding future of the deceased and the Applicant No.1. However, nobody came for any discussion from the Applicants' side. She was frustrated due to harassment. She committed suicide. There are allegations that two of her brothers-in-law Ayub and Rafiq had committed rape on her in the past and they were constantly harassing her.
5. Learned Senior counsel for the Applicants submitted

that the deceased really had no grievance against the Applicant No.1. She in fact wanted to reside together with the Applicant No.1. That itself shows that the Applicant No.1 could not have acted in a manner causing her to commit suicide. As far as Applicant No.2 is concerned, there is hardly any material against him. The main allegations are against her other brothers-in-law who had committed rape on her.

6. Learned APP relied on the suicide note of the deceased, written by the deceased himself. The grievance in the suicide note is that she had to depend on her brother for sustaining herself and her children, which was causing lot of frustration. The allegations against the Applicants' family are general in nature, as she has mentioned that they were causing trouble. There is reference to the acts committed by her brothers-in-law.

7. I have considered these submissions and grievance of the deceased mentioned in the FIR. From the allegations, it appears that the main reason for her frustration was that she was not taken by her in-laws for co-habitation with the

Applicant No.1 or his family. There are general allegations against the Applicants. The main allegations in the FIR regarding commission of rape were directed against Rafiq and Ayub and not against the Applicant No.2.

8. The FIR itself mentions that the deceased was humiliated on the ground that the Applicant No.1 was not earning anything. This also shows that the Applicant No.1 was on one side and the others in his family were on the other side. However, there are general allegations that both these Applicants also joined in causing harassment because money was not brought by the deceased from her parental family.

9. There are allegations that the Applicant No.2 had caused harassment because she had complained against other brothers-in-laws who had committed rape on her.

10. Thus, it can be seen that the main allegations are made against the other two brothers-in-law and not against the

present Applicants. Their further custody for investigation purposes is not necessary. In this view of the matter, they can be granted bail.

11. Hence, the following order :

ORDER

- (i) In connection with C.R.No.36/2021 registered with Gadhinglaj Police Station, Kolhapur, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) Application stands disposed of.

(SARANG V. KOTWAL, J.)