

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1398 OF 2021**

Rani Shivanand Yerte .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Ms. Vilasini Balsubramanian with Mr. Jaydeep D. Mane for the Applicant.

Mr. A.R. Kapadnis, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 03RD AUGUST, 2021.

P.C:-

1. **‘Beti Bachao, Beti Padhao’** is a campaign of the Government of India that aims to generate awareness and improve the efficiency of welfare services intended for girls in India.

The present C.R. would demonstrate how the laudable policy for empowerment of girl child remains only a mirage for this little, but ambitious victim girl.

AJN

2. The unfortunate victim is a girl, aged 14 years, who was forced to annihilate herself on 25/02/2020 in her matrimonial house.

3. The Applicant is the mother-in-law of the deceased and has been arraigned as accused in C.R. No.328 of 2020 registered with Foujdar Chawadi Police Station thereby invoking Section 306 read with Section 34 of the IPC against the Applicant and her son Shankar Yerte. On completion of investigation, when the charge-sheet was filed, the provisions of Sections 9 and 11 of the Child Marriage Restraint Act are also added in the said C.R. and the mother of the victim, her brother and a middleman, included as accused.

4. The complaint is filed by the mother of the deceased, who herself is a victim of circumstances. She states that for over a decade, she was estranged from her husband and residing along with her daughter, aged 14 years; her son was staying with her husband. The informant was not keeping good health and was required to undergo a surgery. A proposal in marriage was received for her daughter, which she rejected on the pretext that her daughter was taking education and studying in 8th Standard. However, on the persuasion of some middlemen, it is alleged that the Applicant and her son (Accused No.1) visited their house and expressed their willingness to marry her daughter. The

informant was admitted in the hospital for surgery and the expenditure for the same was borne by Accused Nos.1 and 2. When she refused the performance of the marriage, it is alleged that they demanded their money back and, left with no option, she gave her consent for solemnizing the marriage. On 01/01/2020, the marriage of a 14 year old was solemnized with son of the Applicant.

5. In the complaint, it is stated that after her marriage, the deceased Rinku was allowed to attend the school for few days, but she was brought home. The little girl was keen on continuing her education, but was restrained by her in-laws and whenever she expressed her wish to go to the school, she was thrashed. This was informed by Rinku to her mother, who states in her complaint that she was under tremendous pressure and was requesting her to bring her back to the parental house. Resultantly, the informant requested Applicant No.1 to send her back, but the request was flatly turned down. Rinku continued to make phone calls to her mother and narrate the harassment meted out to her.

6. On 25/02/2020, the informant attempted to establish contact with her daughter by giving a call on the mobile number of Accused No.2 when Rinku told her that in the morning, she was assaulted by her husband and she wanted to return home. She also disclosed that she wanted to pursue her education, but

the husband and the mother-in-law were harassing and beating her. At around 1.30 p.m., on the very same day, the informant received a telephone call from Accused No.1 informing that her daughter had hanged herself.

7. On the date when this incident happened, the deceased Rinku was aged 14 years and her dream of pursuing education was got shattered, leaving her heartbroken and tormented. In despair, she took the extreme step of taking her life because of the harassment. On completion of investigation, charge-sheet is filed invoking offences under the provisions of Child Marriage Restraint Act.

8. Considering the material compiled in the charge-sheet, *prima facie*, it appears that the informant as well as the Applicant entered into a conspiracy for performing the marriage of a minor girl with Accused No.1 and, after the marriage, she was subjected to harassment, which was reported by the deceased to her mother. A young life was cut short at the age of 14, though the poor girl aspired to fulfill her dream of taking education.

9. Offence with which the present Applicant is charged is under Section 306 of the IPC. The essential ingredients of offence under Section 306 of the IPC are (i) abetment and (ii) intention of the accused to aid or instigate or abet the deceased to commit suicide. For the purpose of finding out if a person has

abetted commission of suicide by another, the consideration would be if the accused is guilty of act of instigation for the act of suicide. If the accused by his acts and by his continuous course of conduct creates a situation and it leads the deceased perceiving no other option except suicide, the case will clearly fall within the four corners of Section 306 of the IPC. The two ingredients of the said section being incitement to commit offence and the instigation have clearly surfaced in the charge-sheet since the informant herself has narrated the communication established with her daughter and the circumstance that Rinku took her life barely within a period of two months from the date of marriage. The Applicant continued annoying the deceased by her conduct and persuaded her to give up her education, her future, and drove her to the noose, which she used for committing suicide. Not only this, the proximity of the alleged harassment to the time of occurrence of the suicide also bear great relevance.

These circumstances compiled in the charge-sheet do not warrant release of the Applicant on bail.

10. The Application is rejected.

[SMT. BHARATI DANGRE, J.]