

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

ANTICIPATORY BAIL APPLICATION NO.637 OF 2021

Raheman @ Abdul Raheman
Suleman Didbag & Ors.

.... 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 : 17th MARCH, 2021

P.C. :

1. The Applicants are seeking anticipatory 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.
2. The FIR is lodged 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.

3. Applicant No.1 is the brother-in-law of the deceased. Applicant No.2 is sister-in-law and the Applicant No.3 is another sister-in-law. The Applicant No.4 is Applicant No.3's husband and Applicant No.5 is mother-in-law of the deceased.
4. FIR describes how the deceased got married with her husband Salim Suleman on 08/06/2007 and how she was harassed by her husband's family after her marriage. On the date of incident, deceased was residing with the first informant. There was a meeting fixed for deciding future course of the deceased and her husband's marriage. However, nobody came for any discussion from husband's family. She was frustrated due to harassment. She committed suicide. There are allegations that two of her brothers-in-law had committed rape on her in the past and they were constantly harassing her.
5. Heard Mr.Raja Thakare, learned Senior counsel for the Applicant and Ms.Pallavi N. Dabholkar, learned APP for the State.

6. Learned counsel for the Applicants submitted that the Applicant Nos.1 and 2 are residing at Mumbai. Applicant No.5 is the aged mother-in-law of the deceased. The Applicant Nos.3 and 4 were residents of Gadhinglaj. The deceased and her husband were residing in Ajara in husband's joint family. Mr.Thakare submitted that since 2018, the deceased and her husband had started residing separately in Gadhinglaj. None of the Applicants had resided together with the deceased therefore the allegations of harassment are only general in nature. More serious allegations are made against the brothers-in-law who are arrested.

7. Today, the learned APP has produced suicide note of the deceased written before commission of suicide. The grievance in the suicide note is that she had to depend on her brothers for sustaining herself and her children, which was causing lot of frustration. The allegations against the husband's 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.

8. I have considered these submissions and grievance of the deceased mentioned in the suicide note. From the suicide note it appears that the main reason for her frustration was that she was not taken by her in-laws for co-habitation with the husband and there are general allegations against the family of the husband. The submission made by learned senior counsel for the Applicant, is not really disputed by this suicide note. There is only reference to the brothers-in-law committing the acts mentioned in the FIR. If the suicide note is read in context of the FIR, it is clear that the allegations of commission of rape were directed against Rafiq and Ayub and not against the Applicant No.1 Raheman. The other Applicants are relatives of the husband as mentioned hereinabove. In this view of the matter, there is nothing to show that all the Applicants have committed an act which would amount to abetment as defined u/s 107 r/w 306 of the IPC, which would have driven the deceased to commit suicide. In this view of the matter, the Applicants' custodial interrogation is not necessary. The investigation can go on without their custodial interrogation.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.36/2021 registered with Gadhinglaj Police Station, Kolhapur, till the next date, 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) The Applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of.

(SARANG V. KOTWAL, J.)