

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

ANTICIPATORY BAIL APPLICATION NO. 982 OF 2021

Pradipkumar Ramkishan Yadav Applicant

Versus

The State of Maharashtra Respondent

Mr. Sandeep Mishra for Applicant.

Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 06th APRIL, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I-659 of 2020 registered at Mumbra Police Station, Dist. Thane, under section 306 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Sandeep Mishra, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. The applicant is brother in law of the deceased Kalpana. She was married with the applicant's brother on

11/05/2013. The First Information Report (for short 'F.I.R.') is lodged by Kalpana's father Brijlal Yadav. He has stated that, Kalpana was residing at Diva (East), Thane. On 20/07/2020 she committed suicide by hanging herself. The informant was told by Kalpana's husband telephonically. The informant went to the hospital. At that time, the police inquired with him, but he had categorically told the police that he did not have any complaint against anybody. The informant had gone to his native place after performing final rites on Kalpana. When he was at his native place, there was discussion with his relatives. At that time, his wife told him that since past two years Kalpana's husband Pravinkumar and present applicant were pressurizing her to get money from the informant and also for transferring the room at Diva in the name of Kalpana's husband. It was alleged that, Kalpana did not have any children and on that count also she was harassed by the husband and present applicant. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the husband was arrested and as of now is released on bail. He

submitted that, there are hardly any serious allegations against the applicant. The allegations are general in nature. The applicant was resident of Buldhana. He was not present in the house when the incident took place. He submitted that, F.I.R. is lodged belatedly and allegations are made belatedly.

5. Learned APP opposed this application. She submitted that, F.I.R. mentions specific allegations against the present applicant. The applicant's parents are also arrested. She relied on the statement of Kalpana's mother Chandrakala. Chandrakala's statement was recorded under section 164 of Cr.p.c., as well.

6. I have considered these submissions and with the assistance of both learned counsel, I have perused entire charge-sheet filed against applicant's brother. The deceased had committed suicide on 20/07/2020. The F.I.R. was lodged on 31/07/2020. The F.I.R. itself mentions that the informant did not have any complaint against anybody when the police had inquired with him at the first instance. It is only after he had a discussion with his wife at his native place, he came to know that the deceased was harassed on the ground of demand of money. This

fact itself is little doubtful as the informant did not have any knowledge whatsoever about such demand made by Kalpana's husband or present applicant. He has relied on the information given by his wife. The informant's wife had also not told him about this harassment immediately after death of Kalpana. However, only when they had gone to their native place, informant's wife told him about such harassment. This appears to be rather unnatural. In the entire charge-sheet, there is nothing to show that the applicant used to visit Kalpana and her husband frequently. On the day of incident also there is nothing to show that the applicant was in Diva or in the room of deceased. Chandrakala's statement is recorded by the police on 01/09/2020 and her statement under section 164 of Cr.p.c. is recorded on 25/09/2020. Thus, there is delayed disclosure and delayed allegations made by Kalpana's mother. Therefore, there is scope to believe that the applicant is involved as an afterthought.

7. There is a statement of one Sana Khan who had received a call at about 8:43p.m. on 20/07/2020 from Kalpana's husband's mobile number. At that time, she had heard some

quarrel on the telephone. This also indicates that, prior to the incident there was some serious quarrel between Kalpana and her husband which could have been a cause for commission of suicide. In this view of the matter, even at this stage, sufficient doubt is created about the prosecution case against the applicant. Therefore, applicant deserves protection of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. I-659 of 2020 registered at Mumbra Police Station, Dist. Thane, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)