

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

ANTICIPATORY BAIL APPLICATION NO.1238 OF 2021

Roshni Manoj Patil Applicant
Versus
The State of Maharashtra Respondent

Mr. N.L. Chaudhari, Advocate i/b. Vivek V. Salunkhe, for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th MAY, 2021
[Vacation Court]
[Through Video Conferencing]

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.77/2021 registered at Wakad Police Station, Pimpri-Chinchwad on 21.1.2021 under Sections 306, 504, 506 read with 34 of the Indian Penal Code.

2. Heard Shri N.L. Chaudhari, learned Counsel for the Applicant and Shri S.R. Agarkar, learned APP for the State.

3. The FIR is lodged by one Rajendra Patil in respect of suicide committed by his younger son Manoj. The FIR mentions that the informant's elder son Dnyaneshwar had got married to one Bhagyashree. The present Applicant is the younger sister of Bhagyashree. There was a proposal from Bhagyashree that the Applicant should get married with Manoj. On 2.1.2019, Manoj and the Applicant got married at Bhilali. After initial first month, the Applicant started quarreling frequently with the informant's family. She used to threaten that she would commit suicide. Getting frustrated, the informant sent Manoj with the Applicant to Pune. Manoj took a room at Sahakar Nagar, Pune in March, 2019 and started working in Pune. It is alleged in the FIR that Manoj used to tell the informant that the Applicant was not behaving properly. She used to raise quarrels and abuse him. She was also in the habit of spending extravagantly. The informant used to send some money to help Manoj financially. In January, 2020, the couple was blessed with a son. In March, 2020, the Applicant along with her son came to reside at

Bhilali. Manoj was also at Bhilali. The Applicant allegedly started fighting with Manoj demanding that the land be transferred in her name. The informant held meetings with elders in the family and decided to give one acre of land to Manoj. The Applicant was insisting that the land should be transferred in her name. Manoj started cultivating that land. After attending to his land he went back to Pune to join his job. There are allegations that the Applicant continued harassing him and Manoj continued complaining to the first informant. On 13.12.2020, Manoj committed suicide by hanging himself.

4. It is mentioned in the FIR that after a few days, the informant was given the mobile phone handset used by the Applicant. The informant saw an indecent video in that phone involving the Applicant. On 17.12.2020, during religious rituals, the Applicant said something which gave rise to suspicion against her. She had said that whatever she had done was known only to her. Based on all these factors, the informant was convinced that the Applicant was responsible

for his son's death and she has committed the offence of abetment to commit suicide. On this basis, the FIR is lodged.

5. Learned Counsel for the Applicant submitted that the FIR is lodged much belatedly. The deceased had committed suicide on 13.12.2020 and the FIR was lodged on 21.1.2021. This clearly shows that it was an afterthought. He further submitted that the video referred in the FIR was actually shot by the deceased himself. There was no third person involved. That video was showing the cordial relations between the deceased and the Applicant. He further submitted that only out of frustration and suspicion, the Applicant is involved.

6. Learned A.P.P. opposed this Application. He relied on the allegations in the FIR. He submitted that there was constant harassment at the hands of the present Applicant and, therefore, the deceased was left with no choice but to commit suicide.

7. I have considered these submissions. From the

FIR, the allegations are that the Applicant was causing harassment which had led the Applicant to commit suicide. However, whether the Applicant's behaviour can fall within the meaning of Section 107 read with Section 306 of IPC is a matter of trial.

8. The FIR is lodged belatedly. No explanation is offered for such delay. In the facts of the present case, this delay assumes importance and also points to an afterthought on the part of the present first informant. The allegations about the Applicant's utterance during religious rituals are vague. The FIR indicates that the Applicant demanded some property and was in habit of spending beyond their means. But there are also indications that the deceased and the Applicant were having normal relations and in fact in January, 2020 they were blessed with a child. Though the incident is unfortunate, in the background of all these factors, custodial interrogation of the Applicant, who is a lady, is not really necessary. The investigation can go on and the Applicant can be directed to cooperate with the investigation. Hence, the

following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.77/2021 registered at Wakad Police Station, Pimpri-Chinchwad, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)