

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

ANTICIPATORY BAIL APPLICATION NO.1178 OF 2021

1. Amrin Salman Shaikh,
2. Afzal Yusuf Khan, &
3. Reshma Shahabuddin Shamsher Applicants
Versus
The State of Maharashtra Respondent

Mr. A.A. Siddiquie, Advocate i/b. A.A. Siddiquie & Associates,
for the Applicants.

Mr. Ajay Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th MAY, 2021
[Through Video Conferencing]

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.247/2021 registered at Mumbra Police Station, District-Thane under Sections 306 read with 34 of the Indian Penal Code.

2. The FIR is lodged by one Najama Shaikh in respect of suicide committed by her son Salman Shaikh. She has stated in her FIR that Salman had got married with Applicant

No.1 in July, 2020. Applicant No.2 is father of Applicant No.1 and Applicant No.3 is maternal aunt of Applicant No.1. The FIR mentions that initially Applicant No.1 resided cordially with the informant's family. However, after that there used to be frequent quarrels between Applicant No.1 and the informant's family because of Applicant No.1's unreasonable behaviour. She used to frequently go back to her parental house. On every such occasion, Salman used to bring her back after pacifying her. It is alleged in the FIR that Applicant No.1, on instigation of other two Applicants, used to harass Salman mentally. She also used to quarrel with the informant. There are allegations that Applicants No.2 & 3 used to threaten Salman that he would be involved in a false police case. In January, 2021, Applicant No.1 left her matrimonial house without informing Salman. Because of this, Salman had got frustrated and was disturbed. On 19.3.2021, the informant had gone to help her elder son Shoib who had undergone a surgery. Salman was alone in his house. On 22.3.2021, he committed suicide by hanging himself to a

ceiling fan. A suicide note was found there in the room wherein he has clearly blamed Applicant No.1 for his act. On the same note, names of other two Applicants and their phone numbers were mentioned. On this basis, the FIR is lodged.

3. Learned Counsel for the Applicants invited my attention to a photograph annexed to this application at Page-15. It was a photograph sent by the deceased to Applicant No.1 on 23.9.2020, wherein he had fastened a cloth to the ceiling fan indicating that he would commit suicide.

4. Learned Counsel for the Applicant, therefore, submitted that the deceased was pressurizing Applicant No.1 by issuing such threats. Out of frustration as also to take revenge because of their matrimonial disputes he has taken this extreme step.

5. Learned Counsel for the Applicant also relied on a telephonic conversation recorded on 16.1.2021 between the deceased and Applicant No.2. In that conversation the deceased was making a grievance about Applicant No.1

leaving their house. Applicant No.2 was trying to pacify him. There is an N.C. complaint lodged by Applicant No.1 on 16.1.2021 against the deceased showing that on that date the deceased had threatened her.

6. Learned A.P.P. opposed this application and submitted that the suicide note clearly mentions names of the Applicants and, therefore, they are responsible.

7. I have considered all these submissions. The suicide note does mention that the deceased was committing suicide because he was not happy in his personal life. He had blamed Applicant No.1 for that. After signing that suicide note he has mentioned names of other two Applicants and also mentioned their phone numbers.

8. Considering the background of this case, it is more than clear that there were matrimonial disputes between the deceased and Applicant No.1. Applicant No.1 had left their matrimonial house in January, 2021. The deceased had committed suicide on 22.3.2021. Though he has blamed

Applicant No.1 for the extreme step that he was taking, looking at the background of the case, it does not appear that any of the Applicants has taken any steps which would fall within the meaning of 'abetment' as defined under Section 107 read with 306 of Indian Penal Code.

9. Though the incident is unfortunate and the deceased has taken this extreme step, in this case it is difficult to even observe that either of these Applicants had driven the deceased to take this extreme step. The history shows that the deceased was threatening to commit suicide since September, 2020. In January, 2021, Applicant No.2 had tried to pacify him as well.

10. Considering all these aspects, custodial interrogation of the Applicants is not necessary. They deserve the protection of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.247/2021 registered at Mumbra Police Station,

District-Thane, the Applicants are directed to be released on bail on their furnishing PR bonds 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) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)