

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

ANTICIPATORY BAIL APPLICATION NO.782 OF 2020

1. Asha Madhukar Kurpe, &	
2. Sapna Shivhari Ghogare	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Vijendra Kumar Rai, Advocate a/w. Priti Jaiswal, Iram Sayed, for the Applicants.
Ms. A.A. Takalkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th APRIL, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.1055/2020 registered at Lonavala Gramin Police Station, District-Pune dated 1.10.2020 under Section 306 read with 34 of the Indian Penal Code.

2. Heard Shri Vijendra Kumar Rai, learned Counsel for the Applicants and Smt A.A. Takalkar, learned A.P.P. for the State.

3. The FIR is lodged by one Dnyaneshwar Arekar in respect of commission of suicide by his wife Kanta. He has stated that they had three daughters. Two daughters were married. For the marriage of second daughter Priya, the informant and his wife had taken loan of Rs.50,000/- from a small savings group. The deceased had returned Rs.20,000/- from that loan. The balance could not be returned immediately and, therefore, the office bearers of the savings group started harassing the deceased. The first informant tried to tell them that he would return the money as early as possible. But they continued harassing and they threatened the deceased. Because of their constant harassment, the deceased had left her house for a few months. She came back again, but even thereafter the Applicants and other accused met her and demanded their money and threatened her. It is mentioned in the FIR that on 12.8.2020, the accused Smita @ Deepali Anil Jadhav had called the deceased telephonically and had threatened her. The informant and his wife lodged an NC complaint with Lonawala Gramin Police Station. It is

mentioned in the FIR that because of these threats she was under pressure and ultimately committed suicide on 13.9.2020 by hanging herself. On this basis, the FIR is lodged.

4. There are allegations that the Applicants and others abetted commission of suicide. Applicant No.1 is mother of the main accused Deepali Jadhav, who is described as such in the FIR. Applicant No.2 is named in the FIR.

5. It appears that though in the FIR it is mentioned that the accused Deepali Jadhav had made a phone call on 12.8.2020 and then NC was lodged in that behalf, the investigation papers produced before me show that the NC was in fact lodged on 12.9.2020. Therefore, it appears that the phone call perhaps was made on 12.9.2020.

6. Learned Counsel for the Applicants submitted that admittedly the deceased had taken loan from the small savings group mentioned in the FIR. The amount was not returned and, therefore, it was natural for the office bearers of the small savings group to demand that amount. That by itself would

not amount to abetment to commit suicide. The Applicants never intended that the deceased should commit suicide. This in fact would have caused monetary loss to the Applicants and others.

7. Learned Counsel for the Applicants also submitted that the main accused Deepali Jadhav is granted anticipatory bail by this Court vide order dated 24.2.2021 passed in Anticipatory Bail Application No.964/2020.

8. Learned A.P.P., on the other hand, relied on the FIR and other investigation papers. She submitted that the statement of the mother of the deceased was recorded on 3.10.2020. That witness was Kamal Gujar. She has stated that the deceased had received a phone call from the accused Deepali Jadhav and that Deepali Jadhav had threatened her. Learned A.P.P., therefore, submitted there is direct nexus between these threats and commission of suicide.

9. I have considered all these submissions. The admitted position is that the deceased had taken loan from the

small savings group of the accused and that loan was not returned. The Applicants and others were demanding their money back. To what extent the harassment was caused to the deceased is a matter of trial. However, today no specific role is attributed to the present two Applicants. The main accused Deepali Jadhav is granted the relief of anticipatory bail. Therefore on parity also both these Applicants deserve the same treatment.

10. The role attributed to both these Applicants is that on 30.7.2020 they had approached the deceased and had quarreled with her. The FIR is lodged after about more than 15 days of the occurrence. In this view of the matter, it is difficult to observe at this stage that the Applicants' act would fall within the meaning of Sections 107 & 306 of IPC. Therefore, in this background custodial interrogation of the Applicants is not necessary. They can be directed to attend the concerned police station and to cooperate with the investigation. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.1055/2020 registered at Lonavala Gramin Police Station, District-Pune, 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.)