

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

**ANTICIPATORY BAIL APPLICATION NO. 1644 OF 2021**

1. Neeta Nivrutti Khedkar  
2. Aishwarya Nivrutti Khedkar  
3. Dadarao Madhukar Mankar ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Mahesh Waswani a/w Ms. Shreya Tiwari i/by Ms. Dharini N. Nagda, Advocate for the Applicants.

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

Mr. Bhuyar ( A. P. I.) Shivaji Nagar Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 16<sup>th</sup> SEPTEMBER, 2021

**PER COURT:**

1. The Applicants are seeking anticipatory bail in connection with C.R. No. 57 of 2021 registered with Shivaji Nagar Police Station, Thane, for offences under sections 306, 384, 388 & 389 read with Section 34 of the Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that the First Information Report (for short “FIR”) is lodged by Chandrakant Sable, who is elder brother of deceased Sachin. Sachin committed

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suicide on 18<sup>th</sup> February, 2021 by hanging himself in his house. On 23<sup>rd</sup> February, 2021, the informant went to Shivaji Nagar Police Station for making inquiry. Police showed him a diary, notebook and copy of email sent by Sachin to himself. The contents of diary and E-mail mentioned that, applicants had repeatedly called Sachin and insisted that he should marry applicant No.1 and settle at Nagpur. He was blackmailed and mentally harassed. After husband of applicant No.1 committed suicide during investigation of accidental death case by Yashodhara Nagar Police Station, Nagpur, Sub Inspector - Dipak Chavan, Police Inspector - Durge, threatened and pressurized Sachin that offence would be registered against him and took money from him and Police Inspector continuously demanded Rs. 3 Lakhs and kept him under pressure. On 16<sup>th</sup> February, 2021, complainant received call from a lady and told him that she is Mankar Madam from Nagpur and enquired whether it is phone number of Sachin Sir. She wants to talk to him. He tried to contact Sachin but could not. He sent message and received call from Sachin. Complainant told him about call received by him. He was found nervous. On 17<sup>th</sup> February, 2021 he again received call from lady. She told him that her husband has committed suicide due to Sachin. She has destroyed evidence by giving money to Police. Sachin asked her why she is blackmailing him. She told the

informant that she has evidence and recording of conversation. She forwarded screen shot of chats and messages. When the informant inquired with Sachin about this, Sachin told the informant to block her number. She has been harassing him. On the next day Sachin committed suicide.

3. The applicants were granted interim relief by this Court on 19<sup>th</sup> July, 2021. While granting interim relief, this Court had observed that whether the allegations against applicants amounts to abetment to commit suicide will have to be tested. The interim relief was opposed by APP on the ground that there were transcripts of conversation between applicant No.1 and victim. One day prior to incident she had called informant. There was harassment by applicants.

4. Learned Counsel for the applicants submitted that the applicant No. 1 was never after the deceased Sachin but it was Sachin who himself was making efforts to get connected with the applicant No. 1. He submitted that the entire allegation did not point out the offence under section 306 of the Indian Penal Code.

5. Learned APP submitted that the voice samples of all the applicants are required for the purpose of investigation. The applicant No.1 should handover her cell phone to the investigating

officer for investigation.

6. In rejoinder, the learned counsel for the applicants submits that the applicants would cooperate with the investigation. They are willing to provide voice samples and applicant No.1 would hand over her cell phone to the Investigating Officer.

7. Analyzing the factual aspects, prima facie it is debatable that applicants have abetted suicide. At this stage giving any findings on the issue is not warranted. The facts of this case does not call for custodial interrogation of applicants. Even if allegations are to accepted, the role attributed to accused is that there was insistence that victim should marry and settle with applicant No.1.

8. In these circumstances, the interim protection granted to the applicants can be confirmed.

9. Hence, I pass the following order:-

### **ORDER**

(i) Anticipatory Bail Application No. 1644 of 2021 is allowed;

(ii) Interim order dated 19<sup>th</sup> July, 2021 is confirmed.

(iii) In the event of arrest of the applicants in connection with C.R. No. 57 of 2021 registered at Shivaji Nagar Police

Station, Thane, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.30,000/-each with one or more sureties in the like amount;

(iv) The applicant No.1 shall handover the cell phone to the Investigating Officer and all the applicants shall cooperate in providing voice samples for the purpose of investigation.

(v) The applicants shall attend the investigating officer on 1<sup>st</sup> October, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for.

(vi) Anticipatory Bail Application stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**