

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

ANTICIPATORY BAIL APPLICATION NO.964 OF 2020

Smita @ Deepali Anil Jadhav

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Ms.Sana Raees Khan i/b. Hulyalkar & Associates, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1055/20 registered with Lonawala Gramin Police Station, dated 01/10/2020, under sections 306 r/w 34 of the Indian Penal Code.
2. Heard Ms.Sana Raees Khan, learned counsel for the Applicant and Ms.A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Dnyaneshwar Shankar 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 the 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 Applicant and other accused met her and demanded their money and threatened her. It is mentioned in the FIR that on 12/08/2020, the Applicant 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 since that day she was

continuously under pressure and ultimately she committed suicide on 13/09/2020 by hanging herself. On this basis, the FIR is lodged. There are allegations that the Applicant and others abetted commission of suicide.

4. The learned counsel for the Applicant submitted that admittedly the deceased had taken loan from the Applicant's small savings group. The amount was not returned and therefore it was natural for the Applicant and others to demand the amount. That by itself would not amount to abetment to commit suicide. The Applicant never intended that the deceased should commit suicide. This in fact would have caused monetary loss to the Applicant and others.

5. Learned APP relied on the FIR and other investigation papers. She submitted that the statement of the mother of the deceased recorded on 03/10/2020 shows that a phone call was received by the deceased from the Applicant on the previous day of the incident. He submitted that there is direct nexus between the Applicant's act and commission of suicide.

6. I have considered these submissions. The admitted position is that the deceased had taken loan from the Applicant's group and it was not returned. The Applicant and others were demanding their money. To what extent harassment was caused is a matter of trial. However, at this stage, the FIR alleges that the last phone call was made by the Applicant on 12/08/2020 for which the N.C. was lodged. Therefore the deceased had taken legal recourse of making her grievance to the police. In that case, the commission of suicide one month after that, may not have direct nexus with the Applicant's act. The FIR itself is lodged after about more than 15 days of the occurrence. That also shows afterthought on the part of the informant. The allegation that on the previous day of the incident, the deceased had received a phone call and purportedly it was made by the Applicant, does not find support in the FIR. The FIR is lodged after 15 days after the incident and yet this fact is not mentioned in the FIR.

7. Thus, at this stage, sufficient doubt is created about the Applicant's role in occurrence of this incident. There is some substance in the contention of the learned counsel for the Applicant that the offence cannot fall within the meaning of sections 107 and 306 of IPC. Therefore in this background, custodial interrogation of the Applicant is not necessary. She can be directed to attend the concerned police station and cooperate with the investigation.

8. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.1055/20 registered with Lonawala Gramin Police Station, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)