

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

ANTICIPATORY BAIL APPLICATION NO.2240 OF 2021

1. Priyanka Sharad Bhosale	
2. Manish Shankar Shinde	
3. Shankar Hanumant Shinde	
4. Rohini Shankar Shinde	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Aniket Nikam a/w. Aashish Satpute for the Applicants.
Mr. Y.M. Nakhwa, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 24th SEPTEMBER, 2021.

P. C. :-

1. The Applicants are seeking Anticipatory Bail in connection with C.R.No.222/2021 dated 01/09/2021 registered with Sahakar Nagar Police Station, Dist. Pune under section 306 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Aniket Nikam, learned counsel for the Applicants and Mr. Y.M. Nakhwa, learned APP for the State.

3. The First Information Report (for short 'the FIR') is lodged by one Narendra Dattatraya Bhosale. The Applicant No.1 is deceased Sharad Bhosale's wife and Applicant No.2 is Applicant No.1's brother and

Applicant Nos.3 and 4 are the parents of Applicant Nos.1 and 2. The FIR mentions that Sharad and Applicant No.1 got married on 19/11/2016. Thereafter, all the family members were residing together. The couple was blessed with their daughter on 30/12/2017. The FIR mentions that the Applicant No.1 used to pick up frequent quarrels with Sharad at the behest of her parents and used to go to her parental house frequently. She used to reside there for a long time. Therefore, deceased Sharad used to feel depressed. In April, 2021, there was similar quarrel. The Applicant No.1 wanted to reside separately with the deceased Sharad. However, Sharad did not want to live separately because he was the only son of his parents. There was another quarrel and the Applicant No.1 went to reside with her parents. She did not return for about four months. Finally, in the 1st week of August, 2021, she came back to her matrimonial house. It is alleged even then the Applicant Nos.3 and 4 used to instigate her and there were frequent quarrels between the Applicant No.1 and the deceased. One such quarrel also took place on 21/08/2021. On 23/08/2021, the Applicant No.1 quarreled with Sharad and went to police station and gave some complaint. She had also named the first informant and his wife. The atmosphere in the house was therefore very tensed.

4. On 28/08/2021, the Applicant No.1's cousin - Nakul called Sharad and the informant. Again there was some exchange of words and abuses. At 05:00 p.m., the informant and Sharad went to Hadapsar. There they questioned the Applicant No.1 as to why the informant was abused. There was fight between the Applicant No.2 and Sharad. After that the deceased Sharad went home. He was under mental pressure. The Applicant No.1 went to her parental house in the night. In the same night, the deceased – Sharad committed suicide by hanging himself. On these basis, the FIR is lodged.

5. Mr. Aniket Nikam, learned counsel for the Applicants invited my attention to another FIR dated 29/08/2021 lodged by the Applicant No.2 against the deceased Sharad under Section 324, 323, 504 at Hadapsar Police Station. In that FIR, it was mentioned that the deceased Sharad had assaulted the Applicant No.2 and his cousin – Nakul with cutter and had caused incised wounds. That FIR was lodged at about 02:00 a.m. In the night, the deceased committed suicide in his own house. Mr. Nikam, learned counsel for the Applicants submitted that except the fact that there were quarrels and abuses between the two family members, there was nothing on record

to show the ingredients of Section 306 and Section 107 of the Indian Penal Code were attracted. He submits that there are no specific allegations against the Applicants in that behalf. The Applicants cannot be held responsible for commission of suicide of Sharad. There are only allegations of quarrel.

6. Learned APP opposed this Application. He submitted that the deceased had left a suicide note behind and had named the present Applicants for his taking that step. He further submitted that the statements of the relatives of the deceased Sharad are on similar lines as that of the first informant.

7. I have considered these submissions. The FIR mentions that there was a marital discord between the Applicant No.1 and the deceased Sharad. The Applicant No.1 used to reside with her parental house for a long time and the couple was never happy. On the previous day, the deceased Sharad had assaulted the Applicant No.2 and his cousin – Nakul. It is reflected in the FIR lodged by the Applicant No.2. Thus, it appears that the deceased was disturbed with the quarrel but still it would not attract the provisions of section 306 and section 107 of the Indian Penal Code. The allegations are general in nature. In this

background, custodial interrogation of the Applicants is not necessary. These observations are made only for the purpose of deciding this Anticipatory bail application. The investigation can go on. The custodial interrogation of the Applicants is not necessary. But they will have to co-operate with the investigation. Hence, the following order :-

ORDER

(a) In the event of their arrest in connection with C.R.No.222/2021 dated 01/09/2021 registered with Sahakar Nagar Police Station, Dist. Pune, the Applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

(b) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(c) Application stands disposed of accordingly.

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(SARANG V. KOTWAL, J.)