

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

**ANTICIPATORY BAIL APPLICATION NO. 2345 OF 2021**

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|--------------------------|-----------------|
| Janardan Narsu Kusale    | .... Applicant  |
| Versus                   |                 |
| The State of Maharashtra | .... Respondent |

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Mr. Satyavrat Joshi i/b. Nitesh J. Mohite for Applicant.  
Mr. Y. M. Nakhwa, APP for State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.  
DATE : 30<sup>th</sup> SEPTEMBER, 2021**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 383 of 2021 registered at Chatushrungi Police Station, Dist. Pune, under section 306 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Satyavrat Joshi, learned counsel for the applicant and Shri. Nakhwa, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by one Vikas Dhotre in respect of suicide committed by his brother Nikhil on 22/08/2021. The allegations in the F.I.R. are

that, the applicant is father in law of the deceased Nikhil. The applicant's daughter Sonali was married to Nikhil. It is alleged that, the applicant's family were demanding money from Nikhil for various reasons. The deceased had got fed up with constant demands. He had paid substantial amounts to them. It is mentioned in the F.I.R. that, on 21/08/2021 the first informant was told by the applicant that, Sonali was admitted to hospital for termination of her pregnancy. The applicant humiliated Nikhil and because of all this, Nikhil was under pressure.

4. On 22/08/2021, at about 11:30a.m., Nikhil tried to meet Sonali in Sassoon Hospital, but he was not allowed to enter the Ward as he was not having pass. He called the present applicant. But, instead of helping him, he quarreled with him and did not give him any pass. Nikhil came to know that, Sonali was already discharged on 21/08/2021. At that time, she was pregnant of 9 months. Nikhil was worried about Sonali and their child, therefore, he was depressed. On that very day, he committed suicide by hanging himself. On this basis the F.I.R. is lodged.

5. Learned counsel for the applicant submitted that the

applicant's daughter Sonali herself had lodged an F.I.R. vide C.R.No.379 of 2021, at Chatushrungi police station, under sections, 498A, 323 and 504 r/w. 34 of the IPC against the first informant in this case Vikas, the deceased Nikhil and their family members. He submitted that the applicant had no role to play in their dispute. Demanding and accepting the money cannot be termed as 'abetment to commit suicide'. The deceased could have very well refused to pay any amount as demanded by the applicant's family.

6. Learned APP produced investigation papers before me to oppose this application. He also fairly produced a copy of F.I.R. lodged by the applicant's daughter which was registered at Chatushrungi police station, vide C.R.No.379 of 2021.

7. The suicide note mentions that the in-laws had taken Rs.1,30,000/- from the deceased and, therefore, the deceased was in heavy debt. It is mentioned in the suicide note that, all the family members of the applicant should be held responsible for his suicide. Besides that, there is nothing else mentioned in the suicide note. The statement of Nikhil's mother is similar to that of the

F.I.R. This, in short, is the prosecution case, so far, reflected during investigation.

8. The F.I.R. lodged by the applicant's daughter mentions that, on 18/08/2021 and 19/08/2021, Nikhil had beaten her on some petty issue. After that, he had left the house at 9:30a.m. on 19/08/2021. Thereafter, her mother in law and sister in law caught hold of her and Vikas (first informant in this case) forced her to consume poison. Thereafter her husband came and she was first taken to a Dispensary and then to Sassoon Hospital. On this basis that F.I.R. was lodged.

9. It appears therefore that, registration of this F.I.R. by Sonali could be one of the main reasons for commission of suicide. However, at this stage, it would not be proper to comment anything further. However, considering this discussion, it thus appear that the applicant has not played any major role and he cannot be held responsible for abetment to commission of suicide, on the basis of material available as of today. In this view of the matter, custodial interrogation of the applicant is not necessary. He can be protected by an order of anticipatory bail.

10. Hence, the following order :

**ORDER**

- (i) In the event of his arrest in connection with C.R.No. 383 of 2021 registered at Chatushrungi Police Station, Pune, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**