

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.742 of 2021

Maltibai w/o Ajabrao Kute & another

vs.

State of Maharashtra, through P.S.O. Benoda, District Amravati

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

*Shri S.V. Sirpurkar, Advocate for the Applicants.
 Shri S.D. Shirpurkar, A.P.P. for the Non-Applicant/State.*

CORAM : VINAY JOSHI, J.
DATE : 23rd NOVEMBER, 2021.

Heard.

02] The applicants, who are mother-in-law and brother-in-law of the victim lady, seek for pre-arrest protection. At the instance of report lodged by brother of the victim, crime was registered. It is the prosecution case that the victim lady got married with co-accused Ratnakar prior to 15 years. It is stated that the victim's husband Ratnakar was liquor addict and was harassing the victim all the time. It is alleged that the applicants were also quarreling and abusing the deceased lady. In the meantime, the victim's grown-up daughter committed suicide. Thereafter, on 12/10/2021, the victim committed suicide by hanging. It is alleged that due to the harassment meted out by the applicants, the victim committed suicide.

03] The State resisted the bail by filing reply. The copies of police papers are produced for perusal. It is stated that as per the statement of the informant and other witnesses, the applicants have harassed the deceased, which resulted into suicidal death.

04] The applicants' learned Counsel would submit that marriage of deceased was performed prior to 15 years from the occurrence. The allegations are of general nature. Co-accused i.e. husband and father-in-law were arrested and faced custodial interrogation. It is submitted that since grown-up daughter of victim committed suicide, she was under frustration, in which she committed suicide.

05] Perusal of police papers *prima facie* reveals that the main allegations are against the husband of victim about physically and mentally harassing her by consuming liquor. The allegations against the existing applicants are of general nature. In order to establish the offence of abetment, there must be a live link. Moreover, it is the matter of trial, whether that act of applicants can be construed as sufficient abetment for committing suicide. Nothing is to be seized at the instance of the applicants. The possibility of the victim committing suicide under frustration cannot be ruled out. Having regard to these facts, the applicants' liberty can be protected. In view of that, the following order is passed:

- (i) The application stands allowed.
- (ii) *Ad interim* order dated 02/11/2021 is hereby made absolute upon same terms and conditions.
- (iii) The applicants shall continue to attend the concerned Police Station till filing of the charge-sheet or for the period of sixty days, whichever is earlier.

JUDGE