

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.185 OF 2022

SANGITA WD/O RAOSAHEB RATHOD
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. A. C. Deshpande, Advocate for applicant.
Mrs. Vaishali Patil Jadhav, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11.03.2022

ORDER :-

. Applicant is apprehending her arrest in connection with Crime No.04 of 2022 registered with Pimpaldari Police Station, Dist. Parbhani for the offences punishable under Section 306 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. A. C. Deshpande for the applicant and learned APP Mrs. Vaishali Patil Jadhav for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. The applicant is the wife of the deceased. Interestingly, the FIR has been lodged by the police person. A.S.I. had told him on 10.01.2022

that a person has committed suicide by hanging at Nilanaik Tanda and, therefore, he went there along with other police persons. He met the Police Patil, who informed that deceased is one Raosaheb Rangnath Rathod. When they went to the field of Raosaheb, they could find the parents of deceased crying at the place. The dead body was already brought down and then after executing the inquest panchanama and postmortem, the further things were taken up. At the time of drawing inquest panchanama, the informant could get two chits written. One was found to be the photocopy of the other in which it was stated that due to his poor financial condition, he had gone for sugarcane cutting work along with his wife i.e. the present applicant. According to the deceased, the applicant had developed illicit relationship with Bharat Rathod and they used to give threats to the deceased that he should do the work, otherwise he would be killed by scythe and would be thrown in a lake. When he found that even the wife is giving threats, he has committed suicide and he has stated that the wife and the said person are responsible for his death. Thereafter, the FIR has been lodged.

4. The chit that has been left which is definitely yet to be proved whether fulfills the ingredients of offence under Section 107 and/or 306 of Indian Penal Code is a question. The other options were available to the deceased. He could have put an end his relations with the wife by

legal means or even he could have gone to the police station to lodge report against the wife and her paramour. It cannot be stated that the deceased was not left with any option but to commit suicide. Abetment to commit suicide requires something more and also the intention that he should commit the suicide. Giving threat which appear to be the empty threats whether amounted to abetment will have to be decided by the Trial Court at the end of the trial. Therefore, with this kind of facts and evidence and also the fact that substantial evidence appear to have been collected by the Investigating Officer, the physical custody of the applicant appears to be not required for the purpose of investigation. She deserves to be released on anticipatory bail. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) In the event of arrest of the applicant – Sangita wd/o Raosaheb Rathod, in connection with Crime No.04 of 2022 registered with Pimpaldari Police Station, Dist. Parbhani for the offence punishable under Section 306 read with Section 34 of Indian Penal Code, she be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.
- III) The applicant shall remain present before the Investigating Officer as and when called and cooperate with the investigation.

IV) She shall not tamper with the evidence of the prosecution in any manner.

V) She shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm