

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

913 ANTICIPATORY BAIL APPLICATION NO.397 OF 2022

1. Vitthal Raghunath Palave.
2. Bijvala Vitthal Palave. ... Applicants.

Versus

The State of Maharashtra. ... Respondent

...
Mr. Balbhim R. Kedar, Advocate for Applicants.
Mr. P. K. Lakhotiya, APP for Respondent/State.
...

CORAM : **SARANG V. KOTWAL, J.**

DATE : 10th June, 2022.

PER COURT:

. The applicants are seeking anticipatory bail in connection with C.R. No.127 of 2022, registered at Pathardi Police Station, District Ahmednagar on 18th February, 2022 under Section 306 of the Indian Penal Code.

2 Heard Mr. B. R. Kedar, learned counsel for the applicants and Mr. P. K. Lakhotiya, learned APP for the State.

3 The applicants are parents of the husband of the deceased. The FIR is lodged by the brother of the deceased. The informant Narendra Garje in his FIR dated 18th February, 2022 has stated that his sister had got married with the applicants' son Pradip about 1 and ½ years prior to lodging of the FIR. It is mentioned in the FIR that Pradip was addicted to liquor, tobacco, Gutkha etc. The informant's sister used to tell him to desist from such things. Because of that, there used to be frequent quarrels between the couple. The informant's sister used to tell him about this. The deceased was working in Mumbai. In the FIR, it is further mentioned that the informant had lent money to Pradip from time to time. On 16th February, 2022, in evening the informant's uncle told him telephonically that his sister had committed suicide by hanging herself and the informant was told to go to Pathardi. The informant reached Pathardi in the midnight. In the morning, they went to the hospital. He saw the dead body of his sister. It is mentioned in the FIR that the applicant No.1 i.e. the father-in-law of the deceased told him that the applicants were working in the agricultural field. Their son had also joined them. When all of them returned, the door was locked and they saw from the window that the deceased was hanging from the ceiling of the room. The door was broken. She was taken to hospital, but she was declared dead. On this basis, the FIR is lodged.

4 Learned counsel for the applicants submitted that there is not a whisper of allegations against the applicants in the F.I.R. The allegations are specifically and solely directed towards the applicants' son Pradip. He submitted that the deceased was an educated lady and was working in Mumbai. Even the applicants' son was initially working in Mumbai, but because of Covid-19 pandemic both of them had gone back to Pathardi. He submitted that in absence of allegations in the FIR, the applicants' custodial interrogation is not necessary.

5 Learned APP, on the other hand, produced the papers of investigation before me and he relied on the supplementary statement of the informant, which is recorded on 1st March, 2022. He also relied on his statement recorded under Section 164 of the Code of Criminal Procedure. Apart from these statements, learned APP also pointed out the statements of other family members of the informant including his sister Usha, mother Sunanda etc. He submitted that in all these statements, the roles of the applicants are spelt out and in particular there was a incident mentioned wherein at the instance of the applicant No.1, the informant had to pay Rs.10,000/-.

6 I have considered these submissions. The postmortem notes show that the deceased had died due to hanging. At this stage,

there is hardly any dispute that it is a case of suicide. The question is whether the applicants are responsible for the suicide and whether any of their acts can fall within the meaning of Section 107 of the Indian Penal Code. As rightly submitted by learned counsel for the applicants, in the FIR there are no allegations against the applicants. The FIR itself was lodged on 18th February, 2022 and the date of incident was 16th February, 2022. The FIR was lodged when the informant had sufficient time to ponder about the facts and history in this case. In spite of that, the allegations were directed only against the applicants' son. There are clear averments in the FIR that the applicants' son was addicted to liquor, tobacco, Gutkha etc. and that was a root cause of the deceased being under stress. After these allegations, after about 12 days, the supplementary statement was given by the informant and for the first time the allegations against the applicants surfaced. In that supplementary statement also, the allegations were mainly against the applicants' son and there are general allegations that the applicants were supporting their son in giving ill-treatment to the deceased. There is one specific allegation against the applicant No.1 that on 30th January, 2022 he had insisted the informant to pay Rs.10,000/- to one Bhushan Bhoir. According to the first informant, the applicant No.1 had almost forced him to pay that amount by telling him that otherwise his sister would be sent home. Apart from that there are no allegations against the applicants. All the

other statements of other witnesses are similar in nature to this supplementary statement. Even in the statement recorded under Section 164 of the Code of Criminal Procedure, similar allegations are made. That statement was recorded on 10th March, 2022. Thus, it is more than clear that all these allegations are made after atleast 12 days initially and the statement under Section 164 of the Code of Criminal Procedure was recorded after about 20 days. At the first instance, there was no grievance against either of the applicants. Therefore, I am inclined to grant benefit of protection from arrest to both these applicants. Hence, the following order :

ORDER

- I. In the event of their arrest in connection with C.R. No.127 of 2022, registered at Pathardi Police Station, District Ahmednagar, the applicants are directed to be released on bail on their executing P. R. bond in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) each with one or two sureties each in the like amount.
- II. The applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.

- III. It is made clear that all these observations are made only for the purpose of deciding this anticipatory bail application. These observations shall not influence any other proceedings.
- IV. The Anticipatory Bail Application stands disposed of accordingly.

[SARANG V. KOTWAL, J.]

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