

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.603 OF 2022

1. Sharda W/o Deepak Bhonde
2. Janabai W/o Jagannath Shelke
3. Balaji @ Balu S/o Jagannath Shelke ... Applicants

Versus

The State of Maharashtra
Through The Police Station Ambad,
Tq. Ambad, Dist. Jalna. ... Respondent

....
Mr. Vilas H. Humbe, Advocate for the Applicants
Mr. A.S. Shinde, APP for Respondent / State
....

CORAM : SARANG V. KOTWAL, J.

DATE : 09th JUNE, 2022

PER COURT:-

1. The Applicant is seeking anticipatory bail in connection with C.R. No.0224 of 2022 registered at Ambad Police Station, Dist. Jalna on 14.04.2022, under Sections 306 r/w 34 of the Indian Penal Code.

2. Heard the Mr.Vilas Humbe, learned counsel for the applicants and Mr. A.S, Shinde, learned A.P.P for the respondent / State.

3. The case pertains to suicide committed by Deepak Bhonde. The applicant No.1 is Deepak's wife. The applicant No.2 is the mother of applicant No.1 and the applicant No.3 is the brother of applicant No.1. The F.I.R. is lodged by Rameshwar Bhonde who was the brother of the deceased Deepak. The applicant No.1 was their maternal cousin. Deepak had got married with applicant No.1 and they had a son aged 10 years at the time of the incident. The F.I.R. mentions that the applicant No.1 was residing separately from Deepak since past four years. There was a quarrel between them and therefore she was not staying with Deepak. The F.I.R. mentions that on 13.04.2022, Deepak went to meet the applicant No.1 and their son. He asked the applicant No.1 to accompany him to his house, but the applicant No.1 was not willing to go with him. The other applicants also supported her and did not send her with the deceased. There was quarrel between the parties. It is mentioned in the F.I.R. that Deepak felt insulted and committed suicide in the night between 13.04.2022 and 14.04.2022 by hanging himself to a tree in the applicants' field. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that by no stretch of imagination, any of the offences alleged against the applicants is made out. The applicants are harassed by the informant and his family by lodging this complaint.

5. Learned A.P.P. produced the investigation papers before me and opposed this application. He submitted that the statement of the informant is supported by the statements of the other witnesses.

6. I have considered these submissions. The post mortem notes show that the death was due to asphyxia due to hanging. It is not in dispute that the deceased has committed suicide by hanging himself from a tree in the applicants' field. The allegations in the F.I.R. show that the applicant No.1 was residing separately and was refusing to go with the deceased to reside with him. The offence, as alleged under section 306 r/w 34 of the IPC against the applicants is not attracted. It can not be a case of abetment to commit suicide. She had her own reasons not to accompany the deceased.

7. The investigation papers show that the neighbors of the applicants have stated that the applicant No.1 was residing separately because the deceased and his family members suspected her character. That was the reason she was residing separately. She did not want to go to reside with the husband. The other two applicants had supported her, being her close family members. In this background, no offence is made out and the applicants' custodial interrogation is not necessary.

8. Hence the following order:

O R D E R

- (i) In the event of their arrest in connection with C.R.No. 0224 of 2022 registered at Ambad Police Station, Dist. Jalna, the applicants are directed to be released on bail on his furnishing P. R. bond in the sum of Rs.25,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The application is disposed of accordingly.

[SARANG V. KOTWAL, J.

S.P. Rane