

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

ANTICIPATORY BAIL APPLICATION NO. 86 OF 2022

Miss. Shagufta Abdul Salim Inamdar Applicant
Versus
The State of Maharashtra Respondent

Mr. Kalam Shaikh for Applicant.
Mr. Ajay Patil, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th JANUARY, 2022
(through Video Conferencing)**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 1412 of 2021 registered at Malvani Police Station, on 24/11/2021, under section 306 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Kalam Shaikh, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by father of the deceased. The deceased was working in sales department of a B.P.O., but since lockdown he was working

from home. The F.I.R. mentions that he was in relationship with the applicant from 2020 and his family was aware of it. The F.I.R. mentions that the applicant used to threaten him that he would be implicated in a false case and, therefore, the deceased was under pressure. The deceased committed suicide by consuming poison. He died on 23/10/2021. Before his death he had informed his friend that whatever he wanted to say was recorded on video clips. He had given lock code of his mobile phone to his friend. Accordingly, his phone was unlocked and video clips were found. In those video clips there was certain reference to the present applicant. On these allegations, the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that allegations against the applicant are vague. Admittedly, the applicant was in physical relationship with the deceased and because of some dispute between the couple the applicant cannot be held responsible for having committed an offence under section 306 of IPC. No case for abetment for commission of suicide is even reflected in the allegations. Learned counsel invited my attention to the complaint given by father of the first informant to the police

on 08/11/2021. There are allegations against another girl, as well.

5. Learned APP opposed this application based on the averments made in the F.I.R.

6. I have considered these submissions. I have perused the F.I.R., the complaint given by the informant dated 08/11/2021, as well as, transcript of video clips. The transcript of video clips show that deceased has blamed the present applicant and 6 to 7 others including another girl with whom he was in relationship two years prior to the incident. In the second clip he has stated that, he had established physical relations with the applicant and the applicant was always reminding him that he had committed that act with her. According to the deceased that was the harassment to him. There are allegations that the applicant's family had similarly targeted others. All these allegations are quite vague. It is difficult to observe at this stage that any of the acts of the applicant would fall within the meaning of "abetment" as defined under section 107 r/w. Section 306 of IPC. The applicant is a young girl. Her custodial interrogation in the present backdrop is strictly not necessary. It is sufficient if she co-operates with the

investigation.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No. 1412 of 2021 registered at Malvani Police Station, the applicant is directed to be released on bail on her 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) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)