

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

ANTICIPATORY BAIL APPLICATION NO. 112 OF 2022

Manjula Bholanath Singh	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. A. S. Khandeparkar i/b. Rakesh H. Pathak for Applicant.
Mr. P. H. Gaikwad, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 27th JANUARY 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 1241 of 2021 registered at Sakinaka Police Station, on 12/12/2021, under sections 304-B, 498-A, 306 and 504 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Khandeparkar, learned counsel for the applicant and Shri. Gaikwad, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') in this case is lodged by mother of the deceased Jyoti. The applicant is mother in law of deceased Jyoti. The applicant's son Shubham got

married with Jyoti in the month of August 2016. During marriage the deceased was given gold ornaments as stridhan. Similarly, the applicant's son was given gold ornaments, wrist watch and other household articles. The couple had their first son in the month of August 2017, till then everything was alright between the couple and the applicant's family. After her delivery, Jyoti became weak and, therefore, she was unable to do her household work properly. The F.I.R. mentions that the present applicant, Jyoti's husband and brother in law used to humiliate her by taunting her. They used to say that if she could not look after the household work then why she had delivered a baby. The informant had pleaded with the applicant's family not to cause harassment to Jyoti, but the harassment continued. The applicant was telling Jyoti to bring money, as nothing was paid at the time of marriage. She also used to abuse Jyoti. Jyoti was frequently calling the informant telephonically and was requesting her to tell the applicant not to cause harassment. Jyoti started suffering health-wise.

4. In April 2021, she had undertaken complete medical checkup, but no ailment was found, though Jyoti was suffering

from weakness. The applicant and Jyoti's husband were telling Jyoti to bring money from her parents as they had spent a lot on her medical treatment. The deceased Jyoti was harassed on this count.

5. On 13/11/2021 Jyoti told the applicant and others that, she had become pregnant second time. At that time, the applicant and her other son started causing more harassment and started demanding money. On that count the harassment increased. On 11/12/2021, ultimately, Jyoti committed suicide by hanging herself. On this basis the F.I.R. was lodged.

6. Learned counsel for the applicant submitted that the allegations against the applicant are general in nature. There was no demand at the time of marriage. Therefore, Section 304-B of IPC is not attracted. He submitted that, there was no intention behind any of the acts of the applicant that deceased should commit suicide. Therefore, offence under section 306 of IPC is not made out. Learned counsel relied on the Judgment of the Hon'ble Supreme court in the case of *M. Arjunan Versus State represented by its Inspector of Police*¹, in support of his contentions.

¹ 2018 DGLS (SC) 1349

7. Learned APP opposed this application and relied on not only the F.I.R., but on the statements of witnesses recorded during investigation, as well as, WhatsApp messages sent on a family group by the deceased herself.

8. I have considered these submissions. The WhatsApp messages tell their own story. The deceased had mentioned that her life had become hell. In the message dated 27/03/2021, she had stated that she had become tired. On one occasion she has mentioned that nobody deserved to get mother in law like the present applicant. In the message dated 11/12/2021, she has stated that if something happened the son is kept away from the deceased. Apart from these WhatsApp messages, there are statements of Anita Thakur who was aunt of the deceased, Muskan who is sister of the deceased, Shweta who is also a sister of deceased. These witnesses have consistently stated about the harassment caused by the applicant and others to the deceased.

9. The material against the present applicant definitely brings the offence within the ambit of the sections which are applied. Section 498-A of IPC itself is clear enough. Explanations

given under section 498-A of IPC is applicable to the facts in this case. Explanation 'A' and 'B' read thus:-

“(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

There are clear allegations that the deceased was harassed because she was unable to fulfill unlawful demands for any property. The conduct was also of such a nature and was likely to drive Jyoti to commit suicide. Jyoti, in fact, did commit suicide. Therefore, all these offences are clearly applicable.

10. So far as the Judgment relied on by learned counsel for the applicant in the case of *M. Arjunan (supra)* is concerned, the facts are entirely different. In that case, there was money transaction between the accused and deceased and in that context the observations were made that having advanced the money to the deceased, the accused might have uttered some abusive words;

but that by itself was not sufficient to constitute the offence under Section 306 of IPC. The facts are clearly distinguishable in the present case. The offence is clearly made out in the present case. The applicant is not even arrested. Her custodial interrogation is necessary considering the nature of allegations. The evidence collected so far shows that offence of abetment to commit suicide is made out as envisaged under section 107 r/w. Section 306 of IPC. No case for grant of anticipatory bail is made out.

11. The application is rejected.

(SARANG V. KOTWAL, J.)