

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

ANTICIPATORY BAIL APPLICATION NO. 898 OF 2022

Ashwini Vikas Patil

..Applicant

V/s.

The State of Maharashtra

..Respondent

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Mr. Sachin Hande a/w A.A. Jadhavar for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent/State.

API A.M. Badar, Ashtu Police Station, Sangli.

CORAM : C.V. BHADANG, J.

DATE : 11 APRIL 2022

P.C.

1. The Applicant, apprehending her arrest, in connection with the investigation of Crime No. 69 of 2022 registered with Ashta Police Station, Dist. Sangli under Section 306, 323, 504, 506 read with Section 34 of IPC, is seeking anticipatory bail.

2. The Applicant is the paternal aunt of the girl, who was having a love affair with the deceased Gorakh Nalwade. Gorakh committed suicide on 06.10.2021 by hanging. The complaint came to be filed by his mother Kalpana Nalwade on 17.03.2022. The delay is sought to be explained by stating that the mobile handset of the deceased, which was found at some distance, from

the site, where the deceased had committed suicide, was having a pattern lock/password and the said password was disclosed after recovery of a chit from the house of the deceased, where the password was written, after which the mobile phone was unlocked and certain whatsapp messages were recovered showing that the Applicant and the co-accused were harassing the deceased on the point of his relationship with the niece of the Applicant. According to the informant, the Applicant had once asked the deceased to stay away from her niece and slapped him.

3. I have heard the learned counsel for the parties.

4. Prima facie, it appears that there is a substantial delay in lodging of the complaint, inasmuch as the deceased committed suicide on 06.10.2021 and the complaint is lodged on 17.03.2022.

5. The learned counsel for the Applicant submitted that no intention to abet the commission of suicide by Gorakh can be attributed to the Applicant, in as much as all that the Applicant would have intended is that the deceased should stay away from her niece. It is submitted that the deceased might have committed suicide out of frustration, however, there is no element of abetment which is attributable to the Applicant.

6. The learned APP submitted that the co-accused, who was allegedly making phone calls to the deceased/threatening him, is yet to be apprehended. He submitted that in the event the Applicant is protected, she may be directed to report to the Investigating Officer. The learned APP submitted that the FIR is registered within four days of recovery of the chit. Therefore, there is no delay.

7. Considering the over all circumstances, the following order is passed:

ORDER

i) In the event of her arrest, in connection with the investigation of Crime No. 69 of 2022 registered with Ashta Police Station, Dist. Sangli, the Applicant **Ashwini Vikas Patil** be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer on 18 and 19 April, 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) The criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)