

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

ANTICIPATORY BAIL APPLICATION NO.1368 OF 2022

Madhav Ganeshrao Naikwade ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr.Yogesh Palve alongwith Mr.Ravi S. Irle, Advocates for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent/State.

CORAM : SMT. BHARATI H.DANGRE, J.

DATE : MAY 26, 2022.

P.C.:

1. The applicant aged about 75 yeas is apprehending his arrest in C.R.No.231 of 2022 registered at Pimpri Police Station, when his daughter-in-law Supriya hanged herself in the house of his son at Pune at 11th February, 2022.

2. The compliant is lodged by one Shri Nandakumar Borulkar, the brother of deceased Supriya who was married to the son of the present applicant on 23rd December, 2022. The complainant has alleged that at the time of solemnization of marriage all the gold ornaments which were demanded were delivered to the family of her husband and after marriage she started cohabiting with her husband at Umargaon. Her husband Balaji was working in a private company at Pune and therefore, he had asked his wife to reside in Umargaon alongwith his parents. The complainant had stated that the her husband had assured that he would take her

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to Pune for cohabiting once he makes the necessary arrangement. The complainant vaguely referred to a demand of Rs.20 lakhs at the instance of the applicant for purchasing a house in Pune and she was threatened that if the necessary amount was not brought she would permanently be made to reside in Umargaon. The FIR further referred to certain incidents of the year 2021 on account of various festivities where the demand is alleged to have been reiterated by her husband.

On 10th February, 2022 the deceased accompanied her husband to Pune where he was occupying Flat No.7 in Building No.38 of Vastu Udyog Society, Morwadi, Pimpri on rented basis. On 11th February, 2022, she hanged herself which resulted into complaint being lodged against her husband as well as the present applicant and the husband of her sister-in-law.

3. Perusal of the complaint would divulge an unfortunate incident, where the deceased Supriya committed suicide barely within 14 months from the solemnization of the marriage. However, the longish FIR makes a grievance that she was not allowed to be in the company of her husband since he was residing in Pune and she was made to reside with his parents. The vague allegation without any details about the demand of Rs.20 lakhs at the instance of the applicant is also contained in the

complaint, but this demand is surely before 2021. Though it is not specifically mentioned when the demand was made, it is only alleged that for the purposes of arranging an independent house to reside in Pune, an amount has been demanded by the family. On 5th February, 2022, when the father of the complainant took his daughter to her marital house, it is alleged that again the demand was made by the family. Again this allegation is vague as and bail to specific who were the persons who actually raised the demand. On 11th February, 2022, Supriya hanged herself resulting in registration of offence under Section 306 of IPC. The compliant however do not attribute any specific role to the applicant, which shall amount to a determinative factor responsible, for Supriya taking her life. She accompanied her husband on the earlier date and what transpired between the couple on the said date has not surfaced on the record.

4. Taking a *prima facie* view of the matter under Section 306 of IPC i.e. the offence which requires immediate instigation or incitement for deceased to commit suicide, is not found in the accusation levelled against the Applicant. In the backdrop of the *prima facie* case, the Application deserve to be granted.

ORDER

- (a) Application is allowed.
- (b) In the event of his arrest, the Applicant shall be released on his furnishing P.R. bond of Rs.25,000/-

with one or two sureties of the like amount.

(c) He shall report to the concerned Police Station on 30th May, 2022, 1st and 3rd June, 2022 between 10.00 a.m. to 2.00 p.m. and as and when directed by the Investigating Officer.

(d) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with the evidence.

(e) The application stands disposed in above terms.

(SMT. BHARATI H. DANGRE,J.)

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