

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

ANTICIPATORY BAIL APPLICATION NO. 1436 OF 2022

Ashwini Rahul Sonawane

.. Applicant

Versus

The State of Maharashtra & Ors.

.. Respondents

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- Mr. Vivek Rane a/w Vijay Latange, for the Applicant.
 - Ms. M. R. Tidke, APP for the State.
 - P.R. Gampale, P.I. Yavat Police Station.
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CORAM : MILIND N. JADHAV, J.

**DATE : MAY 30, 2022
(Vacation Court)**

P.C.:

1. The Applicant is apprehending arrest in CR No. 326 of 2022 registered at Yawat Police Station, Dist. Pune for offence punishable under section 306 of the Indian Penal Code (for short '**IPC**').

2. Briefly stated the relevant facts for the consideration of present application are as under:-

2.1. On 16.4.2022 the complainant Ankush Sonwane lodged the report alleging that his younger son Rahul has committed suicide and the same is abetted by the Applicant wife. The marriage of Rahul and the Applicant was solemnized 8 months ago. It is alleged in the F.I.R. that on 15.04.2022 one person called Kiran Thange informed the complainant that Rahul had shared one photograph of a

handwritten note and location on WhatsApp social media wherein the following reason for committing suicide was written : (i) his wife betrayed him, (ii) after marriage sim card having mobile no. 9699729041 was being used by the Applicant and (iii) punishment of hanging should be given to persons having mobile nos. 7083690077, 7219860804 and 8446080499. The complainant immediately called upon the mobile number of Rahul and the phone was answered by Yawat police personnel informing that Rahul had met with a railway accident and his dead body was found near Javajibuvachi Wadi, Tq. Daund, Dist. Pune. It is alleged that the Applicant is responsible for the suicide of her husband Rahul; F.I.R. i.e. C.R. No. 326 of 2022 is registered on 16.4.2022 under section 306 of IPC against the Applicant.

2.2. The Applicant is six months pregnant with the child of the deceased, Rahul.

2.3. It is alleged that on 17.3.2022 the Applicant called on the complainant and informed him that due to some quarrel between them Rahul had left his house. It is further alleged that thereafter Rahul had informed the complainant on phone the Applicant was consistently talking on phone to some person, she behaved arrogantly and told the deceased to transfer the properties of his father in his name. It is further stated that the Applicant went to her matrimonial

home at Shendi and continued making phone calls to the deceased Rahul and harassed him.

3. Learned counsel Mr. Rane appearing on behalf of the Applicant submits that, it was the complainant and his family member who insisted and demanded a dowry of Rs.6,00,000/- from the Applicant due to which the deceased Rahul was under stress; that at the time of the incident the Applicant was at her matrimonial home and hence there cannot be any cause for abetment; that just two days before the incident the deceased Rahul had gifted a watch to the Applicant which showed that the relation between them was normal and cordial. He submits that the Applicant is 25 weeks pregnant as on date and has no role to play whatsoever in the incident leading to Rahul's death, rather being three and half months pregnant at the time of the incident the Applicant could not even think of abetting such an act as she was staying at her matrimonial home. He has therefore prayed for consideration of the present Application. Learned counsel also tenders the latest medical report dated 28.5.2022 issued by Dr. Sushil M. Muthiyan of Arham Imaging Centre, inter alia, certifying that the Applicant is 24 weeks pregnant and carrying a single live intra uterine fetus of average gestational age of 25 weeks without any abnormality. The report also states that follow-up is suggested. The said report is taken on record and marked 'X' for identification.

4. *PER CONTRA* the learned APP Ms. Tidke submits that the offence registered is of a serious nature and punishable upto 10 years imprisonment; that there are specific allegations against the Applicant; investigation is at a nascent stage; the dying declaration of the deceased being on record clearly points a finger to the role of Applicant and therefore there is every possibility of the Applicant tampering the prosecution evidence.

5. I have perused the record and pleadings and heard the learned counsel for the parties. Submissions made by counsels are on pleaded lines.

6. It is seen that the only prelude which is alleged in the F.I.R. is that a quarrel had taken place between the Applicant and Rahul. It alleges that the deceased was upset with the Applicant for talking on phone continuously with some person due to which the quarrel had occurred. That said person is yet to be identified. It could be either some person from her family, her parents, her siblings or any third person. It is to be understood that at that time the Applicant was already 3 and half months pregnant. There are phone numbers given in the alleged dying declaration (written note) which requires investigation by the prosecution. No doubt the offence registered per se is serious and attracts punishment for imprisonment for 10 years but i.e. only on conviction of the Applicant/accused. The Investigating

Officer P.R. Gamble, PI Yawat Police Station is present in the Court today. Learned APP Ms. Tidke submits that the investigation in the present case is being carried out and material is being investigated and accumulated.

7. However, looking at the fact that the Applicant is 25 weeks pregnant and carrying a fetus, it is equally the duty of the Court to ensure that the Applicant and the fetus are also protected at this stage and the Applicant is not kept under duress or stress. It is also understandable that at this stage of her medical condition the Applicant may have the need and necessity to visit the hospital with respect to her pregnancy, notwithstanding the fact that post pregnancy the Applicant may also require care and rest. The presence of the Applicant can always be secured by the prosecution and the Investigating Officer, and if the need so arises the Investigating Officer can also visit the Applicant considering her medical condition.

8. Hence in view of the above, the following order is passed:

ORDER

- (i) In the event of her arrest, in connection with the investigation of Crime No. 326 of 2022 registered with Yawat Police Station, Dist. Pune, the Applicant shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or more solvent sureties in the

like amount;

(ii) Applicant shall attend the Investigating Officer as and when called for and in the event she is unable to attend due to hospitalization or any specific medical condition relating to her pregnancy then she shall inform the Investigating Officer about the same and her whereabouts and the Investigating Officer shall be permitted to call upon the Applicant and seek the necessary information;

(iii) The applicant shall co-operate with the Investigating Agencies and shall not tamper with the prosecution evidence/witnesses;

(iv) The Applicant shall inform her address of stay along with the phone numbers of herself and her family members to the Investigating Officer in the event if the Investigating Officer is required to call upon the Applicant in respect of any investigation.

9. In view of the above directions, Anticipatory Bail Application stands disposed of.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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