

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

**ANTICIPATORY BAIL APPLICATION NO.918 OF 2020
WITH
INTERIM APPLICATION NO.775 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.918 OF 2020**

Deepa Jagdish Narang

...Applicant

Versus

The State of Maharashtra

...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.917 OF 2020
WITH
INTERIM APPLICATION NO.776 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.917 OF 2020**

Rajeev Narang

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Ms Mrunmai G. Kulkarni for the Applicant.

Ms A.A. Takalkar, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd MARCH, 2022.

P.C.:-

1. These are the applications under Section 438 of the Cr.P.C. filed by the Applicants for pre-arrest bail apprehending their arrest in C.R. No.196 of 2020 registered with Chembur Police Station, Mumbai for the

offences punishable under Sections 306, 304 B, 312, 498 and 506 r/w 34 of the IPC.

2. The Applicant -Deepa is the mother-in-law and Applicant - Rajeev is the husband of the deceased- Laxmi, who committed suicide in her matrimonial home on 22/06/2020. The Complainant had lodged a complaint alleging that the deceased- Laxmi committed suicide because of the harassment meted out to her by the Applicants and other family members. The Complainant has alleged that the Applicants had demanded dowry/money and had subjected the deceased to mental and physical cruelty for not meeting the demands.

3. Ms Mrunmani Kadam, learned counsel for the Applicants states that the Applicant-Rajeev and the deceased -Laxmi were married in the year 2015. She states that even prior to the marriage the deceased was addicted to Zola Fresh 10 mg. The Applicant had taken her to deaddiction center and later rehabilitation center as she used to suffer from anxiety and panic attack. She was discharged from rehabilitation center from 13/04/2020. Even thereafter she continued taking the said tablets as it is evident from the bills and medical prescription. Learned counsel for the Applicants states that the deceased Laxmi had committed

suicide not because of the cruelty meted out to her by her in-laws but in her state of anxiety because of her addiction to Zola Fresh 10 mg tablets.

4. Ms A.A. Takalkar, learned APP for Respondent-State submits that suicide note prima facie reveals that the deceased has ended her life because she was subjected to cruelty. She submits that the material on record prima facie shows the involvement of the Applicants in commission of the said crime.

5. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

6. It is not in dispute that the Applicants and the deceased were married in the year 2015. The deceased had committed suicide on 22/06/2020. During this interregnum period the deceased and her family members had not lodged any complaint against the Applicants in respect of demand of dowry and for subjecting the deceased to cruelty. The suicide note also does not indicate that the Applicants had made any such demand for dowry.

7. The material on record prima facie indicates that the deceased was addicted to taking Zolo Fresh 10 mg tablet. The Discharge Note of

the J. Watumull Global Hospital and Research Centre prima facie indicates that the deceased was admitted in the said hospital on 08/05/2018 till 23/05/2018 in the Department of Neuropsychiatry and Deaddiction. She was treated for psychotherapy and given counselling and was advised to continue to undergo counselling. The records indicate that there was meeting between the deceased and the Applicant-husband and their respective family members. The Applicant-Rajeev and his family members had given the deceased six months time to go to deaddiction center and get herself deaddicted. Accordingly, the deceased was admitted in Zorbacare deaddiction center. The certificate issued by deaddiction center reveals that she was discharged on 13/04/2020 after completing her treatment of deaddiction course. The Applicants have placed on record medical prescription and bills, which prima facie indicate that even after her discharge from the deaddiction center, the deceased had continued taking Zolo Fresh 10 mg tablets.

8. The aforesaid material on record prima facie indicates that the deceased was suffering from anxiety and neuropsychosis as a consequence of being addicted to Zolo Fresh tablets. Prima facie, the possibility of developing suicidal tendencies due to serious depression cannot be ruled out. The material on record does not prima facie disclose the ingredients

of abetment under Section 107 of the IPC.

9. Considering the above facts and circumstances, this is a fit case for grant of pre-arrest bail. Even otherwise the Applicants are on interim bail since 2020. They have co-operated with the investigation and their presence is not required for custodial interrogation. The Applicants are permanent resident of the State and there are no chances of absconding or thwarting the course of justice.

10. Under the circumstances, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.196 of 2020 registered with Chembur Police Station, Mumbai, the Applicants shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.
- (ii) The Applicants shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

11. The applications stand disposed of.
12. In view of disposal of the anticipatory bail applications, the interim applications do not survive and hence stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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