

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 1633 OF 2022

Sanjaykumar Anandrao Mane ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Umesh Pawar, for the Applicant.

Mr. A. A. Palkar, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 22nd JUNE, 2022

ORDER:-

1. This is an application for pre-arrest bail in CR No.168 of 2022, registered with Ashta Police Station, for the offences punishable under Sections 306 and 506 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").

2. Mrs. Deepali Chougule, the first informant, lodged a report with the allegations that her son Onkar had solemnized marriage with the daughter of applicant no.1 Sanjaykumar Mane, against the wishes of the applicant and his family members, after they eloped. Even prior to the marriage, having learnt about the affair between Onkar and his daughter, the applicant and his relatives had visited the house of the informant and voiced their opposition to the said relationship

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and threatened the husband of the first informant Niwas Chougule (the deceased) to rein in his son, Onkar. After marriage, the applicant started to exert pressure on the deceased to produce his son and daughter-in-law, before them. The son and the daughter-in-law feared for their safety. The applicant also visited the near relatives of the deceased, where Onkar and his wife were expected to take shelter.

3. On 11th June, 2022, the deceased was in a tense state of mind. The deceased feared that the applicant and his relatives would cause harm to them, especially his son and daughter-in-law. The deceased died by suicide. A chit was found on the person of the deceased. The deceased recorded that the applicant and his relatives had threatened to eliminate him and his family members, they visited the houses of his near relatives and threatened them also. Thus, the deceased was compelled to commit suicide.

4. The learned Counsel for the applicant submitted that the allegations in the first information report, even if taken at par, do not make out a *prima facie* case of abetment to commit suicide. The fact that the applicant and his relatives were searching for the daughter of the applicant, who had surreptitiously solemnized marriage with the son of the first

informant, and allegedly threatened the first informant and her relatives with dire consequences may not by itself constitute instigation or intentional aid for the commission of the suicide by the deceased.

5. In opposition to this, the learned APP submitted that the continuous pressure exerted by the applicant and his relatives on the deceased took toll and made the deceased to end his life. In the circumstances, the applicant does not deserve the exercise of discretion under Section 438 of the Criminal Procedure Code.

6. I have carefully considered the aforesaid statements in the light of the allegations in the first information report as well as the statements of the witnesses recorded during the course of investigation. Evidently, the fact that the daughter of the applicant solemnized marriage with the son of the deceased against the wishes of the applicant and his family members triggered the dispute. The first informant alleges that the applicant and his relatives insisted for the appearance of the son and daughter-in-law of the first informant before them and that they were not content with their appearance before the police. The applicant and his relatives visited the house of the first informant as well as the relatives of the first informant in

search of the daughter of the applicant. The applicant allegedly gave threats to the first informant, deceased and his relatives.

7. The aforesaid allegation, even if construed at par, do not, *prima facie*, make out the imperativeness of custodial interrogation of the applicant for an effective investigation. The conduct of the applicant in pursuing the whereabouts of his daughter, who had solemnized marriage with the son of the deceased, against his wish, may be amenable to criticism and the alleged act of the threatening the deceased and his relatives with dire consequences may amount to criminal intimidation. However, the existence of necessary element of *mens rea* to goad the deceased to commit suicide is an aspect which warrants consideration. It has to be established that there was a live or proximate link between the aforesaid conduct of the applicant and the act of the deceased. Conversely, the allegations in the FIR indicate that on account of the said dispute, the deceased was in a tense state of mind. The deceased yearned for an early resolution to the dispute and also feared for the safety of his son and daughter-in-law. The allegations, if construed in correct perspective, in my view, do not indicate that the custodial interrogation of the applicant is necessary to facilitate further investigation.

8. The applicant appears to have roots in society. Possibility of fleeing away from justice also appears remote. The apprehension on the part of the prosecution can be taken care of by imposing stringent conditions.

9. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) In the event of arrest of the applicant in CR No.168 of 2022, registered with Ashta Police Station, he be released on bail on executing a PR Bond in the sum of Rs.25,000/- and one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- (iv) The applicant shall not contact the first informant, her son and daughter-in-law and near relatives for any reason whatsoever.
- (v) The applicant shall cooperate with investigation and attend Ashta Police Station on every Sunday in between 10.00 am. to 1.00 pm. for the period of two months or till filing of the charge-sheet, whichever is earlier.

[N. J. JAMADAR, J.]