

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2843 OF 2021

Mahesh Gulchand Chandare ...Applicant
Vs.
The State of Maharashtra ... Respondent

INTERIM APPLICATION NO.303 OF 2022

Pravin Nivrutti Mane ...Applicant

IN THE MATTER BETWEEN

Mahesh Gulchand Chandare ...Applicant
Vs.
The State of Maharashtra & Anr. ... Respondents

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Ms.Vilasini Balsubramaniam i/b Mr.Jaydeep D. Mane for the
Applicant.
Mr.A.R. Kapadnis, APP for the Respondent-State.
Mr.Priyal G. Sarda for the Intervenor.

CORAM : C.V. BHADANG, J.

DATE : 23 FEBRUARY 2022

P.C.

. The Applicant who is the husband of the deceased Priyanka Chadare, apprehending arrest, in connection with the investigation of Crime No.1200 of 2020 registered with Sadar Bazar Police Station, under Section 279, 304A, 338, 427 of the Indian Penal Code and Section 184 of the Motor Vehicle Act (in

which subsequently Section 306 and 498A read with section 34 of the Indian Penal Code are added) is seeking anticipatory bail.

2. This is an unfortunate case arising out of the matrimonial dispute between the Applicant and his wife. Their marriage took place on 6 May 2018 and on account of the matrimonial discord the Applicant had issued a notice to the deceased for restitution of the conjugal rights. The learned counsel for the Applicant pointed out that on the same day instead of complying with the said notice, the deceased approached the Women Protection Cell and there were hearing conducted before the said Cell. It so happened that on 8 July 2020, there was a hearing before the Women Protection Cell in which the Applicant had allegedly accepted to resume cohabitation. However, after coming out of the Office the Applicant abused the deceased asking her to commit suicide as he does not want to stay with her. The deceased left the office on her Aactiva Vehicle MH12-NQ-6369 which dashed against the compound wall of the Office of the Commissioner of Police in which she sustained injuries on her head to which she succumbed on the same day.

3. It appears that initially a case of accidental death (AD) was registered. The first informant Pravin Mane who is brother of the deceased approached the learned Magistrate under

Section 156(3) of the Cr.P.C. and in pursuance of the direction issued by the Magistrate the present FIR came to be registered on 7 October 2021.

4. I have heard the learned counsel for the parties and perused FIR.

5. The learned counsel for the Applicant submitted that there is a substantial delay in registration of the FIR. She pointed out that it was purely an accidental death which is now claimed to be suicidal death of the deceased.

6. The learned Additional Public Prosecutor assisted by the learned counsel for the Complainant, submitted that there are serious allegations of mental and physical ill-treatment attributed the Applicant and her in-laws and its only on account of the abetment offered by the Applicant immediately after coming out of the Office of the Women Protection Cell, the deceased committed suicide by driving into the compound wall of the Office of the Commissioner of Police, which is a case of suicide.

7. I have considered the submissions made. *Prima facie* it appears that the Police had registered a case of accidental death on 8 July 2021 and after more than 1 years the FIR came to be registered, at the instance of the brother of the deceased making

allegations of physical and mental treatment attributable to the Applicant and others.

8. *Prima facie* it appears on the perusal of the complaint that on the same day i.e. on 8 July 2020 the deceased had allegedly informed the first informant about the abatement offered by the Applicant, After coming out of the Office of the Women Protection Cell. However, it is only in October 2021 that the FIR ultimately came to be registered.

9. In my considered view, there is a serious doubt as to the nature of the death suffered by Priyanka, to whether it was accidental or suicidal in nature. If the death is accidental then provisions of section 306 of the IPC may not apply. The record discloses that interim protection was granted to the Applicant on 29 November 2021 which is operating till today. The Applicant has reported to the Investigating Officer and has co-operated in the investigation. Looking to the nature of the allegations I do not find that custodial interrogation may be warranted. In the result, the application is disposed of in terms of order dated 29 November 2021, subject to the Applicant co-operating with the Investigating Agency as and when required. The Applicant shall not tamper with the prosecution evidence/witnesses.

10. The Criminal Application is disposed of in the aforesaid terms.

11. Interim Application for intervention is also disposed of.

C.V. BHADANG, J.