

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 342 OF 2023

1. Radhika Gopalrao Chandurkar

2. Pushpa Gopalrao Chandurkar

..APPLICANTS

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. A.R. Devakate, Advocate for applicants

Mr. A.S. Shinde, A.P.P. for respondent – State

Mr. Y.G. Somani, Advocate for informant

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CORAM : R.G. AVACHAT, J.

DATE : 31st MARCH, 2023

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicants claims to have an apprehension of being arrested in connection with Crime No. 86 of 2023 registered with Taluka Jalna Police Station, Dist. Jalna for the offences punishable under Sections 306 and 506 read with Section 34 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. F.I.R. has been lodged by brother of the deceased. It has been alleged therein that the deceased was serving with Maharashtra State Electricity Distribution Company Ltd. ('M.S.E.D.C.L.'). Applicant No.1 was his

colleague. The deceased was married. The record, particularly the photographs, indicate that Applicant No.1 and the deceased had emotional relation inter se. It is the case of the informant that Applicant No.1 would blackmail the deceased. The deceased used to be under stress all along. While taking care of his own wife, the deceased had to be in the company of Applicant No.1. His entire monthly salary was required to be spent for Applicant No.1. Some bank statements have been placed on record to show that each month some amount was transferred to the account of Applicant No.1. On the sixth day of deceased committed suicide, his brother had approached the concerned police station. Since the cognizance thereof was not taken, Superintendent of Police was moved. It is informed that Applicant No.1 has similarly dealt with some other male persons, but there is no tangible material in proof of the same. It is also submitted that the photographs have been snapped by someone else and those are not selfies. Based on those photographs, Applicant No.1 would blackmail the deceased. Her conduct was such that the deceased had no option but end his own life.

4. According to learned A.P.P. and learned counsel for the informant, custodial interrogation of Applicant No.1 is required to find the places where both of them had visited. The deceased used to make use of two cell phones. One of them is missing. The same is yet to be recovered. Based on these allegations, rejection of the application has been urged for.

5. Considered the submissions advanced. The deceased was serving as an Operator with M.S.E.D.C.L. Applicant No.1 was also serving with the said office. The deceased was married. The photographs on record indicate that both of them were emotionally involved. Whether these photographs in fact been misused to blackmail the deceased can only be revealed during trial. The deceased was an educated person. He would have left behind the suicide note. He has left none. As such, whatever has been alleged in the F.I.R. cannot be taken as gospel truth. The applicants are women. This Court has protected them by granting interim anticipatory bail.

6. Considering the nature of offence and the applicant being women and the fact that no custodial interrogation of them is warranted, order dated 10th March, 2023, granting them interim anticipatory bail, is hereby made absolute. The applicants shall appear before the investigating officer as and when required for the investigating purpose. The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD