

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 512 OF 2023

Shobha W/O. Rajendra Patil ...Applicant

Versus

The State of Maharashtra & Ors ...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 734 OF 2023

Ganesh Rajendra Patil ...Applicant

Versus

The State of Maharashtra & Ors ...Respondents

Mr. H. V. Tungar, Advocate for the Applicants.
Mr. G. O. Watamwar, APP for Respondents.

CORAM : R.M. JOSHI, J.

DATE : JULY 24, 2023

ORDER

1. Applicants apprehend arrest in connection with Crime No. 68 of 2023 registered with Songir Police Station, Dist. Dhule for the offences punishable under Sections 306, 34 of Indian Penal Code.

2. Informant is mother of deceased Rupali. First information report shows that accused Nitin and Rupali

had love relationship and that they had physical relations too. In October, 2022 they eloped. Again on 23.02.2023 both went away from their home and Rupali came back home after around five days. She informed to her mother that now accused Nitin is not ready to marry her. Thereafter on 15.03.2023 she tried to consume poison but informant prevented her from doing so. After two days, she committed suicide by consuming poisonous substance. A note was left behind by the deceased holding Nitin as well as present Applicants responsible for her death.

3. Learned Counsel for the Applicants submits that *prima facie* perusal of the FIR clearly indicates that the co-accused Nitin may be responsible for the act of commission of suicide by the deceased. It is submitted that though names of the present Applicants are mentioned in the suicide note, there are no allegations against them which indicate that they aided, instigated or abetted act of suicide by deceased.

4. Learned APP opposed the application by contending that apart from these allegations in the

FIR, the suicide note left behind by the deceased clearly shows involvement of the Applicants in this crime.

5. Perusal of the report given to the police indicates that there was love relationship between deceased and co-accused Nitin. It is also seen that twice they eloped from the house. It further seems that later on Nitin refused to marry deceased, therefore, on 15.03.2023 she attempted to commit suicide unsuccessfully but after two days she consumed poisonous substance and died. No doubt, a chit was left by deceased wherein present Applicants are also held responsible for her death. The said chit, however, also clearly indicates that deceased committed suicide predominantly for the reason of refusal of Nitin to marry her. As far as present Applicants are concerned, there is no material on record to indicate that they instigated the deceased to commit suicide or aided or abetted the said act.

6. In such circumstances, the liberty of the Applicants deserves to be protected. Applicants have no

criminal antecedents. They are not likely to flee from justice. In the result, applications are allowed by confirming order dated 12th April, 2023 and 09th May, 2023.

(R.M. JOSHI, J.)

Malani