

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 880 OF 2023

1. Smt. Dipali Pradip Koli.
2. Smt. Mina Ramesh Koli.
3. Smt. Lalita @ Lalitabai
Narottam Salunke (Koli).
4. Nanabhau @ Hiralal Pandurang
Koli.
5. Anil Pandurang Koli.
6. Pandurang Sana Koli
7. Harshada @ Hasarbai Pandurang
Koli.

...Applicants

Versus

The State of Maharashtra,

...Respondent

Mr. G. R. Syed, Advocate for the Applicants.

Mr. G. O. Watamwar, APP for Respondent – State.

CORAM : R.M. JOSHI, J.

DATE : JULY 05, 2023

ORDER

1. Applicants apprehends arrest in connection with Crime No. 176/2023 registered with Nandurbar Taluka Police Station, T1 and Dist. Nandurbar for the offences punishable under Sections 306, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Informant is brother of Pradeep (deceased). He reported to the police that deceased married to Dipali (Applicant No. 1) on 30.03.2019 and that they were staying at Dadra and Nagar Haveli with their daughter. It is alleged that Applicant No. 1 used to quarrel with deceased. Deceased suspected that Applicant No. 1 had relationship with someone else and therefore, she was not allowing him to see her mobile. Report further indicates that complaint was made by Applicant No. 1 against deceased with Women Protection Cell, Nandurbar and that deceased has attended the said proceedings on 29.04.2023. On the same day, he ended his life by jumping into the well of river Tapi.

3. Learned Counsel for the Applicants states that there are disputes between the parties over the matrimonial discord of deceased and Applicant No. 1. It is submitted that owing to the said disputes, the possibility of false implication of the Applicants cannot be ruled out. It is further argued that even if the contents of the first information report are accepted as it is, it cannot be said that the Applicants abetted the act of commission of suicide by

the deceased.

4. Learned APP opposed the application by submitting that the statement of first informant is duly supported by statement of witnesses in whose presence the deceased jumped into river and committed suicide. According to him, there are specific allegations against the Applicants of causing harassment and threats given to deceased.

5. At the outset, it needs to be recorded that the deceased died unfortunate death on 29.04.2023 whereas the present report is filed on 18.05.2023. Needless to say that the delay in lodging report may create possibility of false implication or over implication. Moreover, perusal of the FIR shows that there were disputes between deceased and Applicant No. 1 and in that regard complaint was made to the Women Protection Cell. As far as the allegations against the Applicants about threatening or causing harassment to him are concerned, there are no particulars given as to when the said harassment was caused and was reported to the informant. These allegations, therefore, are absolutely vague. Apart from this, even if the

statement made in the FIR are accepted as it is, the same does not make out any case of abetment of commission of suicide by deceased.

6. In view of above, application is allowed by confirming order dated 07th June, 2023.

(R.M. JOSHI, J.)

Malani