

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

ANTICIPATORY BAIL APPLICATION NO.1057 OF 2023

RAJU S/O MAROTI NILEWAR
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. D. R. Markad
APP for Respondents: Mr. S. P. Sonpawale

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CORAM : R.M. JOSHI, J

DATE : JULY 24, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 10/2023 registered with Vimantal Police Station, Dist. Nanded for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. Mother of the deceased lodged report against present Applicant who is son-in-law and his relatives for holding them responsible for the act of commission of suicide by her daughter on 06.01.2023. In the FIR there is reference of the marriage of the deceased with present Applicant prior to ten years and disputes between them which are pending before Family Court, Nanded. The allegation is made in respect of incident

occurred on 02.01.2023 wherein quarrel took place between Applicant and deceased over the issue who had purchased T.V. Deceased though consumed poison on 02.01.2023, died on 06.01.2023 and report came to be lodged on 11.01.2023.

3. Learned Counsel for the Applicant states that though there were matrimonial disputes between Applicant and deceased, there was no reason for which the deceased could have committed suicide. It is submitted that even if the incident occurred on 02.01.2023 is accepted as it is, it only shows that there was some quarrel between them and this cannot be construed as abetment of suicide.

4. Learned APP opposed the application by relying on FIR and statement of witnesses.

5. *Prima facie* perusal of the FIR indicates that the marriage between Applicant and deceased was performed prior to ten years. There were dispute between them and on that count proceedings are pending; before the Family Court, Nanded. Undisputedly, Applicant and deceased were staying separately since

year 2018. As regards the incident dated 02.01.2023, at the most this could be treated as quarrel between them, but by no stretch of imagination it can be considered to be abetment for commission of suicide by deceased. From the FIR itself it is clear that the deceased might have committed suicide being fadep with the entire situation in which she was living. Hence, *prima facie* there is no material on record to indicate that the Applicant aided, instigated or abetted the deceased to commit suicide. In fact, he is the one who had taken deceased to hospital after she consumed poisonous substance. This indicates that he never desired deceased to die.

6. In view of the above, application is allowed by confirming order dated 03rd July, 2023.

(R.M. JOSHI, J.)

Malani