

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

ANTICIPATORY BAIL APPLICATION NO.1134 OF 2023

**MONITA NAKLA PAWARA
VERSUS
THE STATE OF MAHARASHTRA**

Ms. S. T. Kazi, Advocate for the applicant
Mrs. G. L. Deshpande, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 24th AUGUST, 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 102 of 2023 registered with Shirpur Taluka Police Station, Dist. Dhule for the offence punishable under Section 306 r/w 34 of the IPC.

2. The informant is sister of deceased Minakshi who was married to Ramchandra (co-accused). It is alleged in the report that husband of the deceased used to consume liquor, had extramarital relations and used to beat the deceased. As far as present applicant is concerned, the incident of 11th May, 2023 as recorded FIR indicates that the earring given by the applicant to the deceased was misplaced and over the same there was a quarrel between them. It is alleged in the first information report that for misplacement of earring, the applicant used to taunt and beat deceased.

3. Learned counsel for the applicant states that there is delay in lodging FIR as the deceased committed suicide on 20th May, 2023 whereas the report is lodged on 23rd May, 2023. It is her contention that there is no nexus between the alleged incident of quarrel over the earring between applicant and deceased which occurred on 10th May, 2023 and death of the deceased caused on 20th May, 2023.

4. Learned APP by relying upon the statements of witnesses more particularly statement of the brother of the deceased argued that he was informed by the deceased about she being harassed and beaten by her husband as well as present applicant. Reference is also made to the statement of neighbour which shows that the applicant used to taunt the deceased over the issue of loss of the earring. It is the contention of the learned APP that the harassment of deceased and the act of beating her by the applicant and co-accused are sufficient to draw inference showing her intention to abet act of commission of suicide. Hence it is not a fit case for grant of anticipatory bail.

5. Perusal of the first information report clearly shows that relationship between the deceased and her husband was not sore. Her husband was a drunkard and had extramarital relationship. It is also alleged in the first information report that he used to beat the deceased.

As far as present applicant is concerned, there is no evidence on record to indicate that any person has seen the applicant beating the deceased. The statement of neighbour only refers to the taunting by the applicant to the deceased in respect of the misplacement of the earring. Even statement of the brother of deceased does not show that he witnessed any such incident. Admittedly, the incident of quarrel occurred between the applicant and informant on 11th May, 2023 whereas she committed suicide on 20th May, 2023. Thus, this Court finds *prima facie* substance in the contention of the learned counsel for the applicant that there is no nexus between quarrel and incident of suicide. An absence of there being any evidence to indicate that the applicant intended to draw the deceased to commit suicide, it cannot be held that she has aided or abetted to the same. Applicant is a lady with no criminal antecedents. In view of the above, application is allowed in terms of interim order dated 13th July, 2023.

(R. M. JOSHI, J.)

ssp