

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1449 OF 2023

Prasad Bhaurao Mohite

Applicant

Versus

The State of Maharashtra

Respondent

Mr. P. P. More, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 1st NOVEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 105/2023 registered with Seoli Police Station, Dist. Jalna for the offences punishable under Section 306 and 504 of Indian Penal Code.

2. Lata Mohite (now deceased) reported to the police that her husband has two wives and that they stayed separately. On 21st June, 2023, at around 11.45 am, quarrel took place between them in respect of partition of land. At that time, her husband abused her and raised suspicion over her character. She being annoyed by this,

consumed poisonous substance. She was thereafter admitted in hospital. She died on 25th June, 2023.

3. Learned counsel for the applicant submits that even if the allegations made in the First Information Report are accepted then also it cannot be said that any act of aid or instigation to commit suicide by wife was there on the part of the applicant.

4. Learned APP opposed the application by referring to the statement of the informant as well as statements of witnesses. It is her contention that the act of husband of raising suspicion against the chastity of his wife itself is sufficient for her to commit suicide.

5. Record indicates that the applicant had two wives. They are staying separately. Thus dispute already persisted. Statements of witnesses indicate that prior to 1 ½ years of the incident, the deceased had started staying separately. This cannot become a ground for her to commit suicide. As far as allegations in First Information Report about quarrel between them on the point of partition of land and abuses is concerned, report itself shows that out of anger she consumed poisonous substance. This Court,

therefore, finds substance in the contention of learned counsel for the applicant that the intention or abetment by the applicant to commit suicide by the deceased is absent. Nothing is to be recovered at the instance of the applicant. There are no criminal antecedents against the applicant. He is not likely to flee from justice. Having regard to these facts, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb