

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.1862 OF 2023**

|                          |                |
|--------------------------|----------------|
| Nilima Nandu Wankhede    | ... Applicant  |
| <b>V/s.</b>              |                |
| The State of Maharashtra | ... Respondent |

Mr. Akshay Bankapur for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

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**CORAM : AMIT BORKAR, J.**

**DATED : JULY 5, 2023**

**P.C.:**

1. Apprehending arrest in connection with C.R. No.207 of 2023 registered at Wavi Police Station, Nashik for offences punishable under sections 306, 504, 506 read with section 34 of the Indian Penal Code, 1860, the applicant is seeking the relief under section 438 of the Criminal Procedure Code, 1973.
2. According to the prosecution, the informant's son Rajendra (deceased) was working as a driver in Maharashtra State Road Transport Corporation. On 24<sup>th</sup> May 2023, the deceased committed suicide. According to the prosecution, applicant's name is mentioned in two suicide notes one dated 23<sup>rd</sup> April 2023 and second dated 24<sup>th</sup> May 2023.
3. The applicant, therefore, filed an application under section

438 of the Criminal Procedure Code, 1973 before the Sessions Judge, which came to be rejected by order dated 27<sup>th</sup> June 2023.

4. I have perused both the suicide notes. The suicide note dated 23<sup>rd</sup> April 2023 blames the applicant for non-payment of the amount paid by the deceased. It also states that the deceased and the applicant were in relationship for five to six years. Second suicide note dated 24<sup>th</sup> May 2023 attributes role to four persons including the applicant. The proximate cause for commission of suicide appears to be call from one Thakkar. On consideration of material at this stage, it prima facie appears that there is no material to indicate that the deceased was left with no other option but to commit suicide. At this stage, prima facie cause for commission of suicide due to act of the applicant is absent. Hence, the applicant has made out a case for relief under section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.207 of 2023 registered at Wavi Police Station, Nashik for offences punishable under sections 306, 504, 506 read with section 34 of the Indian Penal Code, 1860, she shall be released on bail on furnishing PR Bond in the sum of Rs.25,000/- along with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 10<sup>th</sup>, 12<sup>th</sup> and 14<sup>th</sup> July 2023 between 11:00 a.m. to 02:00 p.m and, thereafter, as and when called by the investigating officer;

- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
  - d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
  - e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
5. The anticipatory bail application stands disposed of in above terms.

**(AMIT BORKAR, J.)**