



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2991 OF 2023

Rajani Ravindra Pujari

...Applicant

Vs.

The State of Maharashtra

...Respondent

Ms. Arya Sapre i/b Ms. Swati Khot, for Applicant.

Mr. S. H. Yadav, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 27th OCTOBER, 2023

PC:-

1) Heard the learned counsel for the applicant and the learned APP for the State.

2) This application is preferred for pre-arrest bail in connection with C.R. No. 156 of 2023, registered with Faraskhana Police Station, for an offence punishable under Section 306 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) Sulbha (the deceased) was the sister of the first informant. Her marriage was solemnized with Surendra Pujari, accused No. 1, the son of the applicant on 11th July, 2016.

4) The first informant alleged after about one and half year of the marriage, the deceased was divested of gold ornaments and cash amount on the pretext of opening a Jewellery shop by Sameer, the brother-in-law, of the deceased. The said gold and cash were not returned and whenever the deceased demanded the gold and return of the amount, the applicant – accused No. 3 and her son Sameer, the accused No. 2, asked her to vacate the flat at Raviwar Peth, which was in the name of the applicant.

5) On 21st August, 2023, the deceased had been to the house at Shaniwar Peth, where the applicant and her son Sameer were residing, as it happened to be the death anniversary of her father-in-law. The applicant and her son Sameer raked up quarrel and turned her away from the said house, with a warning to make a provision for herself. They put a new lock on the flat at Raviwar Peth, where she was residing. The deceased and her son were thus locked out of her flat. On 22nd August, 2023 also the deceased and her son spent the day on the staircase. Neighbours provided them necessities. On that day at about 8.00 pm, her husband Surendra, accused No. 1, came

thereat. Their son was dropped at the place of the applicant. On 23rd August, 2023, also the deceased was locked out of her flat. On the morning of 24th August, 2023, the deceased died by suicide by hanging herself.

6) The learned Counsel for the applicant submitted that the applicant was residing separately from the deceased and her husband. Therefore, she cannot be attributed the role of abetment of suicide by the deceased. The applicant is a woman and custodial interrogation of the applicant is not warranted for further investigation. Hence, the applicant deserves exercise of discretion.

7) The learned APP resisted the prayer for pre-arrest bail. It was urged that for three days, the deceased was locked out of her flat and unable to bear harassment and humiliation, the deceased died by suicide.

8) It is true, that the allegations in the FIR indicate that the applicant and deceased were residing separately in different flats. However, that cannot be the only criteria to appreciate whether the applicant abetted the commission of suicide. There are statements of the immediate neighbours and the maternal aunt of the deceased, whom the deceased had visited and spoken to, upon being kept out of her flat. The neighbours have

stated that, the deceased was made to spend two nights on the staircase. The neighbors had given refreshments to the deceased and her son. The neighbors stated that the applicant asked the deceased to make a provision for herself and she was thrown out of her house by putting a new lock on her flat. The maternal aunt of the deceased also states about the incidents related by the deceased and the hapless state in which the deceased found herself.

9) The allegations in the FIR, prima facie, find support in the statements of neighbours and the maternal aunt of the deceased. The applicant cannot wriggle out of the complicity by contending that she resides separately from the deceased. There is material to indicate that during one night, the husband of the deceased had also stayed back with her, after dropping their son at the place of the applicant. The maternal aunt further stated that on the next morning, when she had gone to fetch her son, the applicant had refused to hand over the son to the deceased.

10) The aforesaid conduct constitutes a direct and proximate act on the part of the applicant in making the deceased believe that she had no option but to put an end to her life. The circumstances in which the deceased was left to fend for herself by locking her out of the flat cannot be lightly brushed aside.

The conduct furnishes necessary animus on the part of the applicant to abet the commission of suicide.

11) I am, therefore, not inclined exercise the discretion in favour of the applicant.

12) Hence, the following order:-

ORDER

- I) The application stands rejected.
- II) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

[N. J. JAMADAR, J.]