

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3069 OF 2023

Sameer Ravindra Pujari ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Harshad Bhadbhade i/b. Ms. Swati Khot, for the Applicant
Mr. M.G. Patil, APP, for the Respondent/State.
Ms. Pratiksha Shendge, API, Faraskhana police station.

CORAM : N. J. JAMADAR, J.
DATE : NOVEMBER 6, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 156 of 2023 registered at Faraskhana police station, Pune for the offences punishable under section 306 read with 34 of Indian penal Code, 1860.
3. Sulbha (the deceased) was the sister of the first informant. Her marriage was solemnized with Surendra Pujari, accused No. 1, the brother 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 the applicant. The said gold and cash were not returned and whenever

the deceased demanded the gold and return of the amount, the applicant asked her to vacate the flat at Raviwar Peth, which was in the name of the co-accused Rajani.

5. On 21st August, 2023, the deceased had been to the house at Ravivar Peth, where the applicant and the co-accused were residing, as it happened to be the death anniversary of her father-in-law. The applicant and his mother, the co-accused, 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. The allegations that the deceased has allegedly given gold and amount of Rs. 1 lakh to the applicant is an exaggerated version.

The alleged incident of divestment had occurred about five years back. There is no material to show that the applicant had abetted the commission of suicide. The real dispute was between the deceased and her husband. In any event, the 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 deceased and her husband 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 and co-accused 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 to 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 he resided 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 accused 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. I am, therefore, not inclined to exercise the discretion in favour of the applicant. Hence, the following order.

ORDER

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

(N. J. JAMADAR, J.)