



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

1 ANTICIPATORY BAIL APPLICATION NO. 713 OF 2024

SANGEETA DIPAK BUDHWANT AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Mr.S.E. Shekade, Advocate for the applicants.

Mr.K.S. Hoke Patil, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 25.11.2024

PC :-

01. Heard. This application is for bail in the event of arrest of the applicants in connection with Crime No. 0448 of 2024 registered with Kotwali Police Station, Ahmednagar for the offences punishable under sections 306, 323, 504, 506 r/w 34 of the Indian Penal Code.

02. The applicants before this Court are the maternal aunts of the deceased, who committed suicide. The sister of the deceased had lodged complaint with Kotwali Police Station, Ahmednagar alleging that her father Anil used to doubt paternity of her brother. He always used to tell the deceased that he is not his biological father and deceased should get DNA test done to get status of member of the family. On that he always used to harass the deceased. In the FIR itself it has come that other

relatives used to pacify father of the deceased and not to treat him like this. However, because of the constant harassment by the father, the deceased committed suicide on 17.03.2024. Initially the death was registered as AD bearing No. 31 of 2024. The FIR came to be lodged subsequently.

03. The learned Advocate for the applicants vehemently submits that there is no specific role alleged against the applicants, who happen to be maternal aunts. In the FIR itself, it has come that other relatives used to tell father of the deceased not to give such treatment to his son. In any case, there is no offence made out against the present applicants. At the most the allegation is that these applicants did not try to prevail upon father of the deceased and were only saying that the deceased should get DNA test done. That itself cannot be said to be abettment to commit suicide. So far as other offences are concerned, those are bailable. He also submits that this Court has already protected the applicants by way of order dated 06.05.2024. There is no allegation of misuse of liberty or breach of condition on which the applicants were granted protection. He further submits that even father of the deceased, who was arrested, is released on regular bail. He, thus, prays for allowing the application.

04. The learned APP opposes the application vehemently. He submits that present applicants being maternal aunts are responsible for the death of the deceased. They had knowledge that accused-Anil was constantly harassing his deceased son. He submits that there is statement of mother of the deceased, who has stated before the police about the harassment given to the deceased by accused No.1-Anil. There is also statement of maternal uncle on the same line. He submits that the question of paternity of a person is a serious thing. Such humiliating treatment is given to a son by his father, which led him to commit suicide. This act clearly abetted the deceased to commit suicide. Thus, the applicants being sisters of accused-Anil could have prevented him, however, instead of preventing him, they also asked the deceased to get DNA test done. The learned APP, thus, prays for rejection of the application.

05. Heard learned Advocate for the applicants and learned APP for the respondent-State. From the FIR the only allegation appears against the applicants that instead of convincing the main accused, these applicants also asked the deceased to get DNA test done. All the applicants are married and are residing at their matrimonial house. This

Court finds that no sufficient case is made out showing their involvement in the offence except statement that these applicants could have prevailed upon the main accused. Even otherwise this Court has already granted protection. There is no complaint of breach of any condition or misuse of liberty by the applicants. In view of the same, this Court is inclined to allow this application.

06. The application is allowed on the same terms and conditions as imposed by order dated 06.05.2024 and is disposed off.

[KISHORE C. SANT, J.]