



This order has been corrected pursuant to order of speaking to the minutes dated 25/10/2024.

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

**ANTICIPATORY BAIL APPLICATION NO. 1228 OF 2024
WITH CRIMINAL APPLICATION NO. 3762 OF 2024
IN ABA/1228/2024**

1. Reyanabi Jakir Khatik
2. Mannan Jakir Khatik
3. Tanvir Jakir Khatik

VERSUS

The State Of Maharashtra And Another

Mr. S. V. Suryawanshi, Advocate for the applicants

Mrs. M. L. Sangit, APP for the respondent/State

Mrs. S. R. Shinde, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 22nd OCTOBER, 2024

PER COURT :-

1. Leave to amend prayer clause.
2. Applicants apprehend arrest in connection with Crime No. 146 of 2024 registered with Bhadgaon Police Station, Tq. Bhadgaon, District Jalgaon for the offence punishable under Sections 307, 302, 498-A, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.
3. First informant is the mother of deceased. Her daughter was married on 25th April, 2019 with Mannan Jakir Khatik. It is stated that for few months she was treated well. Thereafter she gave birth to a girl child. There is allegation that there used to occur frequent quarrels between husband and wife. She alleged that in-laws were causing

harassment to her. They were demanding Rs.2 lakhs and on the account she was harassed. It is claimed that in the year 2021 an incident occurred in which deceased was abused and assaulted by the accused persons. Informant further claims that the deceased had intimated her over phone that the in-laws are trying kill her. On 01/03/2024 it was informed to her that the deceased was strangled by the accused persons and thereafter she was admitted in the hospital. It is claimed by the informant that during the treatment deceased informed her about she being harassed by the applicants for demand of Rs.2 lakhs. Initially offence was registered under Section 324 of the IPC. Thereafter Section 307 of the IPC came to be applied. Deceased died on 10th September, 2024 and thereafter offence punishable under Section 302 came to be applied to the present case.

4. Learned counsel for the applicants has drawn attention of the Court in the fact that the deceased was having mental disease which according to him was schizophrenia. It is his submission that the medicines prescribed by the Medical Practitioner indicate that deceased was treated for the said disease. It is his submission that at the time of the incident that is when she attempted to hang herself, applicants were not at home and two independent witnesses have rescued the deceased from her hanging position and that thereafter she was taken to hospital.

It is claimed that the husband of the deceased has spent huge amount on her treatment but unfortunately she died. It is thus contended that since this is not the case of offence of murder and considering the mental state of the deceased, possibility she having attempted to commit suicide by hanging herself owing to the said disease is not ruled out. Learned counsel for the applicants pointed out further even earlier an attempt was made by her to end her life.

5. Learned APP and learned counsel for the informant opposed the application by submitting that the first information report as well as statements of witnesses indicate that the applicants were causing harassment to the deceased for demand of Rs.2 lakhs and that she was physically abused. As far as the incident occurred on 2nd March, 2024 is concerned, it is contended that otherwise than the harassment caused to her, there was no reason for the deceased to attempt suicide. Reference is made to the statement recorded during the course of investigation in order to seek dismissal of the application.

6. *Prima facie* perusal of the record indicates that there are two witnesses who had rescued the deceased from the hanging position. Though these witnesses in no uncertain terms state that the deceased had hanged herself, nothing is indicated from their statement that any accused person was even present at the spot. As against this

incriminating statements are of the relatives of the deceased who were admittedly not present at the time of occurrence of incident. It is thus, *prima facie* clear that this is not the case offence under Section 302 of the IPC.

7. As far as the attempt to commit suicide by the deceased is concerned, record indicates that she was under medical treatment for mental illness is since year 2021. Thus, there is reason to believe that for on account of the illness the the possibility of she attempting to commit suicide is not ruled out. Having regard to these facts, *prima facie* only offence remains against the present applicants is punishable under Sections 498-A and 324 of IPC for which their custodial interrogation is not necessary. They have no criminal history. They are not likely to flee from justice. Hence, the application is allowed in following terms:

ORDER

(i) In the event of arrest of applicants in connection with Crime No. 146 of 2024 registered with Bhadgaon Police Station, Tq. Bhadgaon, District Jalgaon for the offence punishable under Sections 307, 302, 498-A, 324, 323, 504, 506 r/w 34 of the Indian Penal Code, they shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount each.

(ii) They shall attend the concerned police station as and when called by the Investigating Officer.

(iii) They shall not contact the witnesses directly or indirectly.

(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

8. Pending application, if any, stands disposed off.

(R. M. JOSHI, J.)

ssp