

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

ANTICIPATORY BAIL APPLICATION NO.658 OF 2024

Nilofar Aslam Naikwadi @ Nilofar

Jakir Shaikh

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Ritesh Thobde, Advocate (appeared through V.C.) a/w.
Changdev Shingade, Ankita P. Rai for the Applicant.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.42/2024 registered at Vijapur Naka Police Station, Solapur on 4.2.2024 under Sections 306, 506 read with 34 of IPC.

2. Heard Mr. Ritesh Thobde, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by one Meenaj Naikwadi about the suicide committed by her husband Mujammeel. The present Applicant was married to Mujammeel's brother Aslam. There used to be frequent quarrels between the Applicant and Aslam and, therefore, she had complained to the Women Protection Cell. It is case of the first informant that the Applicant had unnecessarily implicated the informant, her husband and her mother-in-law. On 3.2.2024, the informant, her husband, her sister-in-law and other family members were called to the office of the Women Protection Cell. That time, there was no settlement between the parties. They came out. At that time, the Applicant allegedly made false allegations against the informant's husband that he was outraging her modesty. The Applicant's father, brother and other family members demanded Rs.10 Lakhs for settlement. They threatened to put the informant's family in jail. Since then the informant's husband Mujammeel was under mental pressure. On 4.2.2024, he committed suicide by hanging himself. He

had left behind a suicide note blaming the Applicant and her family members. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that except the Applicant, all other accused are granted anticipatory bail by the Sessions Court. He submitted that the Applicant had only resorted to exercising her legal right by approaching Women's Protection Cell. This would not amount to abetment to commit suicide. The deceased was called for inquiry and after that he committed suicide. For that the Applicant cannot be held responsible. He submitted that the Applicant had not made any allegations against the deceased Mujammeel before the Women Protection Cell.

5. Learned counsel produced a copy of the FIR registered vide C.R. No.25/2024 at Vijapur Naka police station, Solapur by the Applicant against her husband Aslam. Even in that FIR, name of the deceased is not taken. A copy of the said FIR is taken on record and marked 'X' for identification.

6. Learned APP produced the investigation papers before me which include the suicide note. She submitted that the deceased had squarely held the Applicant responsible for his committing suicide. She further submitted that the parties had met on 3.2.2024 and he had committed suicide on 4.2.2024. Thus, proximity between the two dates show that the Applicant's threats was the reason as to why the deceased had committed suicide. Therefore, the Applicant's act would amount to abetment to commit suicide.

7. I have considered these submissions. The suicide note mentions that the Applicant was lodging false complaints against her husband i.e. the brother of the deceased. She was also lodging false complaint against the deceased himself, his wife and the sister. That was causing harassment to him. The suicide note further mentions that the Applicant's father, brother and other family members demanded Rs.10 Lakhs otherwise they threatened to send him jail. Thus the suicide note indicates his state of mind.

8. The supplementary statement of the first informant recorded on 5.2.2024 mentions that in January, 2024 the Applicant's uncle Nurroddin had intercepted Mujammeel's two-wheeler and had demanded Rs.10 Lakhs. He had threatened the deceased. Since then Mujammeel was under pressure. This statement shows that the demand was made by Mur Nurooddin and others and they have threatened the deceased. Dastagir and Salia Dastagir have stated that even the Applicant had demanded Rs.10 to Rs.20 Lakhs.

9. The complaint given to the Women Protection Cell by the Applicant does not make any specific allegations against the deceased Mujammeel about outraging her modesty. There is substance in the submission of learned counsel for the Applicant that the Applicant had resorted to approach the Women's Protection Cell which was her right. There is no reason to disbelieve her at this stage.

10. Considering overall aspects of the matter, there is a possibility that the present Applicant is named out of frustration. In any case, in this background, the Applicant's

custodial interrogation will not serve any purpose. It would be sufficient if she cooperates with the investigation. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.42/2024 registered at Vijapur Naka Police Station, Solapur, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

PRADIPKUMAR
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