

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2785 OF 2024**

Sachin Changonda Teli	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Jayant Bardeskar for applicant.

Mr. Prasanna P. Malshe, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 16th OCTOBER, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0016 of 2024 dated 09.01.2024, registered at Jat Police Station, District Sangli for offences under Sections 306 and 506 read with Section 34 of the Indian Penal Code, 1860. There are total five accused persons in the present case. The applicant is the brother-in-law of the deceased, who committed suicide.

3. At the outset, the learned counsel for the applicant points out that by order dated 03.09.2024 passed in Anticipatory Bail Application No.2304 of 2024, this Court granted anticipatory bail to two accused persons i.e. the mother-in-law of the deceased and the wife of the present applicant. He submitted that the principle of parity would apply to the applicant and therefore, this Court may consider allowing the present application,

particularly when the applicant undertakes to co-operate with the investigation.

4. The learned APP has opposed the prayer made in the present application. He submitted that the statement of the first informant indicates the role attributed to the applicant.

5. This Court has perused the statement of the informant, leading to registration of FIR. But, after considering the said statement, this Court is convinced that the applicant deserves to be granted relief, as the reasons recorded in the aforementioned order granting relief to the co-accused persons, are equally relevant and applicable to the applicant in the present application.

6. In the order dated 03.09.2024 passed in Anticipatory Bail Application No.2304 of 2024, while granting relief to the co-accused persons i.e. the mother-in-law of the deceased and the wife of the present applicant, this Court recorded the following reasons:

“8. Having heard the rival submissions in the backdrop of the material on record, this Court is inclined to allow the application for the following reasons:-

- a. The applicants are women against whom, the informant has made general allegations about harrasing the victim. Specific incidents are not mentioned and in any case, there is no reference to an incident soon before the date of the incident, which is one of the requirements for alleging an offence under Section 306 of the IPC pertaining to abetment of suicide;
- b. The copies of the ration cards placed on record read with statement of witness Tamana Yankappa Havgondi

do *prima facie* indicate that the victim along with her husband and children was living separate from her brother-in-law, his wife (applicant No.2) and mother-in-law (applicant No.1). In such a situation, the general and omnibus allegations do indicate that a *prima facie* case is made out by the applicants in their favour;

- c. It is relevant to note that on the date of the incident i.e. 05.01.2024, when the mother and the brother of the victim visited the hospital where the body of the victim was lying, they had stated that they had no grievance against anyone. But, four days later i.e. on 09.01.2024, the FIR came to be registered;
- d. The basic ingredient of offence under Section 306 of the IPC is an act on the part of the accused to incite the victim to take the extreme step of committing suicide. The general and omnibus allegations of harassment against the applicants *prima facie* fall short of demonstrating the aforesaid basic ingredient;
- e. The applicants have undertaken to co-operate with the investigating authority.”

7. This Court is of the opinion that the above-quoted reasons apply with equal force to the applicant in this application and therefore, the present application also deserves to be allowed.

8. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0016 of 2024 dated 09.01.2024, registered with Jat Police Station, District Sangli, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 18.10.2024 and thereafter, as and when called by the investigating officer. He shall co-operate with the

investigation.

- (iii) The applicant shall not, in any manner, contact the informant or her family in any manner during the pendency of the investigation.
- (iv) The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J)

Priya Kambli