

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

ANTICIPATORY BAIL APPLICATION NO. 3471 OF 2024

Dipali Rajaram Dhamdhare	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Ms. Manisha Devkar a/w Shankar Kattar and Siddhi Patil for the Applicant.

Ms. Rutuja A. Ambekar, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 19th DECEMBER 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0343 of 2024 dated 28th August 2024 registered at Malshiras Police Station, Dist. Solapur, for offences under Section 108 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant in the present case is the mother of the deceased and she has claimed in her statement, which led to registration of the FIR, that her son was forced to commit suicide, due to the actions of the applicant herein. It is alleged that the applicant had taken amounts from the deceased, which he had arranged from his relatives. The said amounts were given for the

applicant to organize marriage of her daughter. It is alleged that the applicant did not return the said amount and in frustration, the deceased committed suicide.

4. The learned counsel for the applicant submits that the deceased committed suicide by hanging on 4th July 2024, while the FIR came to be registered on 28th August 2024. Even if the contents of the statement are taken into account, which referred to certain call recording of conversation between the applicant and the deceased dated 24th June 2024, it cannot be said that the said material indicates any intention on the part of the applicant to instigate the deceased to commit suicide. It is submitted that the ingredients of the offence are not made out. It was further brought to the notice of this Court that this very first informant on 7th July 2024 itself had lodged a written complaint with the said Police Station, alleging that her son i.e. the deceased was frustrated due to the extra marital affair of his wife and being dejected, he had committed suicide. It was submitted that this complaint does not appear to have been acted upon by the Police and instead, the subject FIR has been filed. It is submitted that the applicant is a woman and she is ready to cooperate with the investigation and therefore, this application may be allowed.

5. On the other hand, the learned APP submits that ingredients of the offence are made out because the applicant left no alternative for the deceased, but to take the extreme step. He was put under tremendous mental pressure due to the actions of the

applicant.

6. This Court has considered the rival submissions in the light of the material on record. The statement of the informant indicates that the deceased had taken certain amounts from his own relatives in order to advance loan to the applicant for organizing the marriage of her daughter. It is alleged that the applicant thereafter, refused to return the said amount. Specific reference is made to a call recording dated 24th June 2024, wherein it is alleged that while the deceased was persuading the applicant to return the amount, she flatly refused to do so and even went to the extent of saying that the deceased could take any step, including consuming poisonous substance or hanging himself, but she would not return the said amount.

7. This Court is of the opinion that offence under Section 108 of the BNS pertaining to abetment of suicide necessarily requires an intention on the part of the accused person to instigate the victim to commit suicide. In the present case, even if the allegations made in the FIR are to be taken into account, at worst, the applicant had clearly refused to return certain amounts that were allegedly advanced by the deceased. In such a situation, the grievance of the deceased could perhaps have led to some other offence, but to impute intention on the part of the applicant to have undertaken the act of not returning the amounts, so as to drive the victim to commit suicide would be stretching things a bit far.

8. In any case, the written complaint dated 7th July 2024 submitted by the very same first informant before the Police, blaming her own daughter-in-law for driving the victim to commit suicide is a crucial aspect of the matter, as the subject FIR has been registered much later on 28th August 2024 against the applicant. A *prima facie* case is indeed made out by the applicant in her favour and since she has undertaken to cooperate with the investigation, the application deserves to be allowed.

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

(a) In the event the applicant is arrested in connection with FIR No. 0343 of 2024 dated 28th August 2024 registered at Malshiras Police Station, Dist. Solapur, she shall be released on bail on furnishing PR Bond of Rs.15,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 21st December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses or any other person concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant 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 applicant in the present application.

11. The application is disposed of.

MANISH PITALE, J.