

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

ANTICIPATORY BAIL APPLICATION NO. 20 OF 2024

1. Dattatraya Damodar Kature	
2. Mahendra Vijay Salve	..Applicants
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. Amit A. Mane for Applicants.
Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 8 JANUARY 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.362 of 2023 registered at Vartak Nagar Police Station, Thane, on 04.11.2023, under section 306 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Amit Mane, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by one Charushila Kadam. Her husband who is deceased in this case was using his four wheeler for conducting tours and thus was earning his livelihood. They

were staying in joint family of her husband's parents and his brother's family. On 11.10.2023, at about 9.00p.m. the informant's husband went out. He did not return for some time. He was to return at about 11.30p.m. Instead, in the midnight at around 2.00a.m. on 12.10.2023 he called the informant from his mobile phone and told her that the applicant No.1 had assaulted him with his iron ring below his right eye and the applicant No.2 had dragged him in a rickshaw. He had suffered injuries. They had broken his mobile handset. He told the informant to reach Bhimnagar, Thane to take him home. The informant went there. She saw that her husband was injured. The Applicant No.1 was present there. He threatened the informant's husband. The informant and her husband returned home at around 3.30a.m. Even at that time, the applicant No.1 made a phone call and threatened her husband. On the next day, the informant went to attend her duty in a beauty parlor. She received a phone call from her husband at 10.30a.m. He sent a list of persons from whom the payment was due to her husband. After that, there was no contact between the informant and her husband. At about 1.00p.m. on

12.10.2023 the informant's husband committed suicide by hanging himself. The informant's case is that, because of the assault committed by both the applicants, her husband was depressed and in that state of mind he committed suicide. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicants submitted that, even if the allegations are taken at their face value, the offence does not travel beyond Section 323 of the I.P.C. There is no proximity between the alleged acts committed by the applicants and the commission of suicide by the informant's husband. He submitted that, there are no allegations that, there was any monetary transaction between the applicants and the informant's husband and that because of that transaction the applicants had issued threats. He submitted that, it was an isolated incident. There are no allegations of any threats issued by the applicants in the past. He submitted that, there is delay in lodging the F.I.R. on 04.11.2023 when the incident had taken place on 12.10.2023. The F.I.R. is lodged as an afterthought to implicate the present applicants.

5. Learned APP produced the investigation papers before me. She submitted on instructions that the informant has not provided the list which is referred to in the F.I.R. She submitted that, besides that isolated incident, there are no allegations against the present applicants.

6. I have considered these submissions. At this stage, the only allegations against the applicants are about the assault committed by them in the midnight, as well as, the threats given by the applicant No.1. But those acts may not amount to abetment to commit suicide. It cannot be said that the deceased was left with no other option but to commit suicide. There are no allegations that, there was some other reason for the assault which was continuously causing harassment to the deceased. As rightly submitted by the learned counsel for the applicants, those allegations remained restricted to the isolated incident of assault in the night.

7. Considering these submissions and the circumstances, custodial interrogation of the applicants is not necessary. There is

substance in the submission of learned counsel for the applicants that the F.I.R. is lodged belatedly after about more than 20 days. The delay is not explained. Considering these over all circumstances, the applicants can be protected.

8. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.362 of 2023 registered at Vartak Nagar Police Station, Thane, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- ii) The Applicants shall co-operate with the investigation and shall not harass the informant.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)