

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

ANTICIPATORY BAIL APPLICATION NO. 370 OF 2024

1. Manda Waman Darekar
2. Waman Sopan Darekar
3. Ganesh Waman Darekar
4. Swapnali Ganesh Darekar ..Applicants
Versus
State of Maharashtra ..Respondent

Mr. Satyavrat Joshi i/b. Ashish S. Vernekar for Applicants.
Smt. M. H. Mhatre, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 9 FEBRUARY 2024**

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.722 of 2023, registered at Shikrapur Police Station, Pune Rural, on 02.08.2023, under sections 304-B, 306, 323, 498-A r/w. 34 of the Indian Penal Code.
2. Heard Mr. Satyavrat Joshi, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.
3. The Applicant Nos.1 and 2 are the parents of the husband of the deceased. The applicant No.3 is the brother of the

husband of the deceased. The applicant No.4 is the wife of the applicant No.3.

4. The F.I.R. is lodged by one Aadesh Kurumkar in respect of suicide committed by 'P'. She has committed suicide on 01.08.2023 by hanging herself. The F.I.R. mentions that, 'P' got married with the applicant Nos.1 and 2's son on 16.03.2017. In 2018, she had delivered a girl child. From that time onwards, all the applicants and the husband of the deceased started harassing her. There are allegations that the deceased's husband dropped her to her parent's house and told her parents to send her back only on payment of Rs.6 lakhs. At that time, she was pregnant.

5. In October 2019, she delivered a son. 'P's family collected Rs.2 lakhs and paid it to the husband's family. From that time onwards, 'P' again started residing with her husband and his family. In 2021, 'P' told her parents that she was assaulted. Therefore, her family paid Rs.4 lakhs more to the applicant No.2. It is mentioned that, her husband was having extra marital affair with other women. Finally, she committed suicide on 01.08.2023.

On this basis, the F.I.R. was lodged.

6. Learned counsel for the applicants invited my attention to the statements of the neighbours of the deceased who were residing near the matrimonial house of the deceased. It is mentioned in those statements that the deceased was residing with her husband separately from her husband's family. Her husband's parents and others used to visit their place some times. Learned counsel submitted that, therefore, the applicants are not responsible and they cannot be said to have committed the offence of abetment to commit suicide. He submitted that, there are no specific allegations against the applicants.

7. Learned APP submitted that the charge-sheet is already filed against the husband only. There are statements of the family members of the deceased; those are of the mother and cousin of the deceased. They have supported the allegations in the F.I.R. The postmortem notes show that, she had died because of asphyxia due to hanging. There is evidence of blunt injuries over the body. However, as pointed out by the learned counsel for the applicants,

the neighbours have stated that the deceased was not residing with her husband's family. The investigation has confirmed this fact. Therefore, question remains about demand and acceptance of money. The acceptance is restricted to the applicant No.2. It is alleged that the amount of Rs.4 lakhs was given to him. That amount is paid by the family of the informant. Therefore, the applicant No.2's involvement is specifically mentioned. As far as the other applicants are concerned they were residing separately and there are general and vague allegations against them. Therefore, protection can be granted to them. At this stage, their custodial interrogation is not necessary. No specific allegations are made against any of the other three applicants.

8. Hence, the following order :

ORDER

- i) The application on behalf of the Applicant No.2 Waman Sopan Darekar is rejected.
- ii) In the event of arrest of Applicant No.1, 3 and 4 in connection with C.R.No.722 of 2023, registered at Shikrapur Police Station, Pune

Rural, they 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.

- iii) The Applicant Nos.1, 3 and 4 shall co-operate with the investigation.
- iv) The Application is disposed of.

(SARANG V. KOTWAL, J.)