

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

ANTICIPATORY BAIL APPLICATION NO.477 OF 2024

1. Ashish Dharampal,
2. Sagar Dharampal,
3. Anju Ashish Dharampal, &
4. Malvika Sagar Dharampal. Applicants
Versus
The State of Maharashtra Respondent

Mr. Digajmaan Mishra, Advocate i/b. Khushboo Dilloud,
Yashmaan Mishra, Mangesh Bhonde, Hema Kala and Sweta
Yadav for Brahmand Lexis LLP for the Applicants.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th FEBRUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.779/2023 registered Bandra Railway Police Station, Mumbai on 18.11.2023 under Section 306 read with 34 of IPC.

2. Heard Mr. Digajmaan Mishra, learned counsel for the Applicants and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The FIR is lodged by one Bijendra Prakash in respect of the suicide committed by his maternal uncle Dharampal. The Applicant Nos.1 & 2 are Dharampal's sons. The Applicant No.3 is the wife of the Applicant and No.1 and the Applicant No.4 is the wife of the Applicant No.2. The FIR mentions that Dharampal had committed suicide on 15.11.2023 by lying on a railway track where a running train caused his death. It is mentioned in the FIR that he was not on good terms with his other family members consisting of his wife and the present Applicants. The FIR mentions that in February, 2023 when the Applicant Nos.2 & 4 got married, there was an incident of quarrel between Dharampal and his wife Santosh i.e. the mother of the Applicant Nos.1 & 2. In that quarrel, Dharampal had slapped Santosh. Since then they were on bad terms. Dharampal was staying at his native place at Haryana and his wife Santosh and all the Applicants were residing at Ulwe, Navi Mumbai. On 12.11.2023, Dharampal had gone to the Applicant No.2's house , but, there was quarrel between them. According to the first informant,

Dharampal was not treated well. He was not even given food and he was insulted. Both the Applicant Nos.1 & 2 had lodged complaints with the police. In short, they did not look after Dharampal. He was upset. He had called the informant's mother i.e. his own sister and had told her that he did not feel like living anymore. On 15.11.2023, he committed suicide. It is mentioned in the FIR that on 15.11.2023 Dharampal had gone to the house of one Kiran Chandaliya and had kept his bag there. The informant took that bag and found a suicide note blaming the Applicants and in particular the Applicants No.2 & 4. On this basis this FIR is lodged.

4. Learned counsel for the Applicants submitted that admittedly the relations between the deceased and the Applicants were not good - the reason being the Applicant No.1 & 2's mother was slapped, ill-treated and humiliated by the deceased. The Applicant Sagar had lodged a complaint about the assault caused by the deceased and the Applicant Ashish had lodged a complaint mentioning that the deceased was threatening to commit suicide. He, therefore, submitted

that the act attributed and the allegations made against the Applicants do not constitute the offence under Section 306 read with 107 of IPC. It cannot be termed as abetment to commit suicide.

5. Learned APP relied on the suicide note found in the bag. She submitted that the deceased was driven to commit suicide by all the Applicants. She also produced the investigation papers before me.

6. I have considered these submissions and I have perused the investigation papers. The statement of Chandaliya was recorded in November, 2023 and then again on 20.12.2023. In both these statements, he had not referred to the bag in which the suicide note was allegedly found. In any case even if the suicide note is taken into consideration, it shows that the deceased was extremely upset with his own family i.e. with his sons and wife.

7. There are certain panchnamas regarding contents of the video stored in the pen-drive which was recovered from

the belongings of the deceased. In one of the clips, he had stated that he was going to get married.

8. Learned counsel for the Applicants, therefore, submitted that the deceased himself had decided to get married on the second occasion. All this had caused bad blood between the deceased and the Applicants.

9. There is no doubt that the deceased was not happy with the Applicants and they were on extremely bad terms. But, the Applicants had their reason for not having good relations. In any case, the relations between the parties can only throw light about the reason for the deceased to commit suicide but that still may not bring the act of the Applicants within the meaning of abetment as defined under Section 107 of IPC. It is significant to note that just prior to the deceased taking that step, both the Applicant Nos.1 & 2 had lodged their NCs. In the second NC lodged by the Applicant No.1; he had told the police that the deceased was threatening to commit suicide. Thus, the Applicants had taken steps in accordance with law to bring all these facts to the notice of the police.

That would indicate that they did not commit any act which would drive the deceased to commit suicide. In fact they had tried to prevent such an untoward incident.

10. Considering all these factors, custodial interrogation of the Applicants would not be justified. They can be protected under Section 438 of Cr.P.C.. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.779/2023 registered Bandra Railway Police Station, Mumbai, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.02.23
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