

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.822 OF 2024

Ankita Yash Gaikwad and Another ...Applicants

vs.

The State of Maharashtra ...Respondent

Mr. Santosh Pawar a/w. Mr. Sandeep Patil, Mr. Rishabh Botadra, for
the Applicant.

Mrs. Ranjana Humane, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 29, 2024

P.C.:

1. Heard the learned counsel for the applicants and the learned
APP for the State.

2. The applicant No. 1, is the wife of the son of first informant,
the deceased. The applicant No. 2 is the father of applicant No. 1.
The applicants have preferred this application to enlarge them on
bail in C.R. No. 281 of 2023 registered with Badlapur police station
for the offences punishable under section 306 read with 34 of
Indian Penal Code, 1860.

3. The applicant No. 1 and the deceased were in a relationship.
The applicant No. 1 and the deceased belonged to different castes.
The family members of the applicants were allegedly against the
relationship between the applicant No. 1 and the deceased. Yet, at
the insistence of the applicant No. 1, the deceased had solemnized
marriage with the applicant No. 1 on 28th June, 2023 in the

presence of close family members.

4. The prosecution alleges, after few days of the marriage, the applicant No. 1 re-established rapport with her parents and there was a sudden change in the behavior of the applicants. At the instigation of her parents, the applicant No. 1 allegedly started to humiliate and harass the deceased even with reference to the caste of the deceased. The applicant No. 2 and relatives of the applicant No. 1 also abused and harassed the deceased.

5. Fed up with the harassment and ill-treatment, the deceased had lodged complaints with police. The applicant No. 1 had also allegedly lodged a false report against the deceased, and left her matrimonial home to reside with applicant No. 2.

6. On 26th October, 2023, the first informant alleged, the deceased was humiliated by applicant No. 2 by questioning his potency. On that night the deceased had visited the house of applicant No. 2. The first informant alleged, when the deceased came back home at about 2.00 am, he was in a very disturbed state, and stated that he can not disclose as to what he was subjected to by the applicants and their relatives. On 27th October, 2023 the deceased allegedly died by suicide. He had left a suicide note.

7. The applicants came to be arrested on 3rd November, 2023.

8. The learned counsel for the applicants submitted that even if

the allegations in the FIR and the suicide note, are considered at par, the offence punishable under section 306 of the Penal Code cannot be said to have been prima facie made out.

9. The learned APP contested the prayer for bail. It was submitted that the deceased was subjected to harassment, humiliation and ill-treatment by the applicants and their relatives. Taking the Court through the allegations in the FIR, the learned APP submitted that a clear case of abetment to commit suicide is made out.

10. I have perused the allegations in the FIR and the alleged suicide note. It appears that after few days of the marriage a wedge was driven between the applicant No. 1 and the deceased. Complaints were lodged with the police, under three months of the marriage. The allegations in the FIR are thus required to be appreciated in the light of the marital discord which struck the parties almost immediately after the marriage.

11. From the perusal of the suicide note, it appears that on the night preceding the alleged occurrence, the deceased had visited the house of applicant No. 2. As a safety measure the deceased had allegedly carried a pocket knife. After finding that the deceased was carrying a pocket knife with him, it seems there was an altercation. The deceased was forced to leave the house of the applicant No. 2 on

the threat of lodging report. In the suicide note, the deceased claimed that aforesaid acts and conduct of the applicant and her relatives caused deep mental trauma to him and, therefore, he took the extreme step.

12. In the backdrop of aforesaid narration of the events, whether the aforesaid acts would constitute an instigation or intentional aid to compel the deceased to take the extreme step would be a matter for adjudication at the trial. Prima facie, the incidents which occurred on the night of 26th October, 2023 were in the wake of marital discord and the discovery of the fact that the deceased was carrying a knife.

13. The investigation seems to be complete for all intent and purpose. Charge sheet has been lodged. The applicants appear to have roots in society and possibility of fleeing away from justice seems to be remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicants be released on bail in C.R. No. 281 of 2023 registered with Badlapur police station, on furnishing a P.R. Bond of

Rs. 30,000/- with one or more sureties in the like amount, each.

3] The applicants shall mark their presence at Badlapur police station on the first Monday of every month between 11 am to 1 pm till conclusion of the trial.

4] The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

5] The applicants shall furnish their contact numbers and residential address to the investigating officer and shall keep him updated, in case there is any change.

6] The applicants shall regularly attend the proceedings before the jurisdictional Court.

7] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N. J. JAMADAR, J.)