

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

ANTICIPATORY BAIL APPLICATION NO.703 OF 2024

Divya Arjun Avashetty Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Nitin Gaware Patil a/w Shantanu Kolhe a/w Shubham Vadne, Advocate for Applicant.
- Mr. Avinash A. Naik, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th MARCH, 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.803/2023, dated 10/12/2023, registered with Pune Railway Police Station, Pune, under sections 306 r/w 34 of the Indian Penal Code.
2. Heard Mr. Nitin Gaware Patil, learned counsel for the Applicant and Mr. Avinash A. Naik, learned APP for the State.

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3. The FIR is lodged by one Lata Ashok Jain in respect of the suicide committed by her son Sumit. The Applicant's family was residing in the vicinity of the informant and her son's house. On 13/11/2023, the officers of Samarth Police Station called Sumit for investigation. He had gone to the police station. The informant followed him after some time. Sumit told her that the Applicant had lodged FIR against him on the allegations that in the night between 12/11/2023 and 13/11/2023 Sumit was bursting fire crackers. There was quarrel between the Applicant and Sumit. In that quarrel, allegedly Sumit had abused her. According to the informant, a false complaint was lodged against Sumit. There were other boys from the locality who were bursting fire crackers, but only because of previous enmity, Sumit was falsely implicated. The FIR mentions that in the presence of her brother-in-law, nephew and Sumit, the Applicant's father and other family members were threatening them in the police station. The police permitted Sumit to leave the police station and asked him to come in the next morning. Sumit was disturbed. He made a video. He mentioned in that video that the Applicant's parents, Applicant and one Rupesh

were causing mental harassment to him. False allegations were made against him. He was threatened. Because of this he was committing suicide and all of them should be sentenced to life imprisonment. After making that video, he posted it on a social networking group on the internet. After that, he left the house. He went missing. The informant lodged the complaint about his missing. He was not found for a few days. The prosecution case is that he had committed suicide by jumping in front of running train. His dead body was discovered on 14/11/2023. It was not claimed by anybody and therefore the police had disposed it of. On these allegations the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant is a college going student. She had lodged her own FIR based on the correct facts. It was not a false FIR. He submitted that the Applicant had never threatened the deceased. There was a previous dispute between the deceased and the Applicant's family. The FIR itself mentions the reason for this enmity. The Applicant's father Arjun was a Chairman of the Housing Society. A redevelopment proposal was being worked

on. There was some dispute between the deceased and the Applicant's father Arjun in respect of that development project.

5. Learned counsel submitted that this dispute was between the Applicant's father and Sumit. The Applicant is a college going student. She has not played any role. The acts attributed to her would not amount to abetment to commit suicide.

6. Learned APP opposed these submissions. He relied on the recording of the video wherein the deceased had named and blamed the Applicant as well. Learned APP also relied on the statement of Sumit's cousin Gajanan.

7. I have considered these submissions. The FIR itself mentions that there was previous dispute between the Applicant's father and the deceased Sumit. The statement of Gajanan Jain, who was cousin of the deceased Sumit is important. He had gone to the police station on 13/11/2023 when the police officers of Samarth police station had called

Sumit to the police station. His statement mentions that Sumit had apologized to the Applicant and her father. However, the Applicant's father Arjun did not listen to him. He had threatened Sumit that he would lodge case against Sumit and that he would commit his murder. This statement shows the role played by the Applicant's father. His statement does not implicate the Applicant to the same degree as that of her father.

8. It can be seen that the Applicant had already lodged her FIR vide C.R. No.250/2023 at Samarth Police Station u/s 294 and 506 of the IPC on 13/11/2023. It was a matter for investigation by the police. It cannot be assumed that the allegations in that FIR were false. The role of issuing threats is attributed to the Applicant's father and not to the Applicant. She is a young girl. She is a college student. In this view of the matter, the Applicant's custodial interrogation will not serve any purpose.

9. It is made clear that these observations are made only for the purpose of deciding this anticipatory bail application. It

would be sufficient if the Applicant cooperates with the investigation.

10. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.803/2023, dated 10/12/2023, registered with Pune Railway Police Station, Pune, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)