

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

ANTICIPATORY BAIL APPLICATION NO.691 OF 2024

Sadhana Mukesh Sharma Applicant
Versus
The State of Maharashtra Respondent

Mr. Amol B. Jagtap, Advocate a/w. Chandni Sachade for the Applicant.

Mr. C.D. Mali, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1012/2023 registered at Wakad Police Station, District-Pimpri Chinchwad on 16.10.2023 under section 306 read with 34 of IPC.

2. Heard Mr. Amol Jagtap, learned counsel for the Applicant and Mr. C.D. Mali, learned APP for the Respondent-State.

3. The FIR is lodged by one Rajkumar Sharma. He was brother of the deceased Mukesh Sharma. The present

Applicant was wife of the deceased Mukesh. It is mentioned in the FIR that the Applicant got married with Mukesh in the year 2015. They were residing at Thergaon. Mukesh was in the business of fixing tiles and taking contract in that business. He was comparatively financially well-off than his in-laws. Mukesh used to help his in-laws financially. Till 2020, he had given them Rs.6 to Rs.7 Lakhs. But that amount was not returned. In the year 2020, he had gone to their place but they had refused to return his money. He came back to Thergaon and since then he did not go to his in-law's place. There used to be telephonic calls exchanged between the deceased Mukesh and the Applicant's relatives. It is alleged that when Mukesh used to bring up that topic with the Applicant, she used to quarrel with him. It is alleged in the FIR that the Applicant used to give sleeping pills to Mukesh. On 25.8.2023, Mukesh committed suicide by hanging himself. Before committing suicide, he recorded three video-clips in which he had blamed the present Applicant and her relatives for the step which he had taken. On this basis the FIR is lodged.

4. Learned counsel for the Applicant submitted that the video clips are recorded out of frustration. There is nothing in the FIR to show that the Applicant had committed any act which would amount to abetment to commit suicide. The allegations that she was giving him the sleeping pills is unsubstantiated and it is made merely on some suspicion. He submitted that the Applicant's relatives are already granted anticipatory bail.

5. Learned APP opposed these submissions. He relied on the video clips wherein the deceased had blamed the Applicant and her relatives. He relied on the allegations in the FIR as well as the statements of the other brother of the informant i.e. Devki Sharma.

6. I have considered these submissions. Devki Sharma's statement is similar to the FIR. Both of them have relied on the video clips. The FIR, itself, mentions that the deceased and the Applicant were residing together.

7. Learned counsel for the Applicant submitted that the couple have two minor children who are residing with the Applicant.

8. The allegations against the Applicant are vague. There is nothing to show that the Applicant had given him some sleeping pills. There are no previous complaints and no corroborating circumstance and no statement of any of the witnesses showing that the relationship between the Applicant and the deceased Mukesh was not cordial. In the video clips, the deceased has blamed the Applicant, but there is no other material against the Applicant which would show that she was harassing the deceased or was instrumental in giving some sleeping pills to him. Her relatives not returning the amount cannot be held against her. She was residing with the deceased. The allegations against her do not make out the case of abetment as defined under Section 107 of IPC read with section 306 of IPC. In this view of the matter, the custodial interrogation of the Applicant will not be justified. She can be protected under Section 438 of Cr.P.C.. It would be

sufficient if she attends the concerned police station and cooperates with the investigation. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.1012/2023 registered at Wakad Police Station, District-Pimpri Chinchwad, 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) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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