

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

ANTICIPATORY BAIL APPLICATION NO. 994 OF 2024

(1) Ashish Bhimarao Khode,
(2) Smt. Sindhu Bhimarao Khode ..Applicants
Versus
The State of Maharashtra ..Respondents

Mr. Satyajeet P. Dighe for Applicants.
Mr. Avinash A. Naik, APP for State/Respondent.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 15 APRIL 2024**

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.I 68 of 2024 registered at Mhasrul Police Station, Nashik, on 30.03.2023, under Sections 498-A, 306 and 504 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Satyajeet Dighe, learned counsel for the applicants and Mr. Avinash Naik, learned APP for the State.

3. The F.I.R. is lodged by one Madhukar Waykade in respect of suicide committed by his daughter Kaveri. The applicant

No.1 is Kaveri's husband and the Applicant No.2 is her mother in law. The applicant No.1 and Kaveri had got married on 20.05.2013. He was working at B.M.C. as Assistant Engineer. He used to be in Mumbai for five days and used to visit Mhasrul on the weekends. The F.I.R. mentions that the applicant No.1 was of difficult nature. He was constantly suspecting Kaveri's character. They had 10 year old son and three year old daughter. The applicant No.1 hardly used to send her to her parent's place. He had purchased a flat at Mulund and was harassing the deceased to bring Rs.10 lakhs from her parents. Even on the occasion of Kaveri's brother's wedding ceremony, she was not sent to her parent's house for staying with them for that wedding. She was only brought by the applicant No.1 for a couple of hours on 05.01.2024. Even for the wedding she was only brought for two hours by the applicant No.1. He was constantly suspecting her character and was doubting his own male family members regarding some relations with the deceased.

4. On 30.03.2024, Kaveri committed suicide by hanging herself. The F.I.R. mentions that the informant's brother in law i.e.

Kaveri's maternal uncle had gone to Kaveri's house. At that time, she had complained to him that the applicant No.1 was forcing her to receive all the telephone calls on speaker and that he was suspecting on his relatives. He used to frequently make video calls to keep watch on Kaveri's activities. Ultimately, getting fed up with all this constant harassment, she committed suicide.

5. Learned counsel for the applicant submitted that the marriage had taken place in the year 2013. They had two children. The applicant No.1 had purchased a flat at Mulund and two shops at Nashik in the joint name of himself and Kaveri. Therefore, there was no angle of demand of money and harassment for that purpose. On the day of the incident, the arrangements were made to take Kaveri and their children to Mulund. Even the school fees for the children were paid. He submitted that, there was no harassment caused by either of these applicants. In any case, the F.I.R. does not attribute any specific role to the applicant No.2. Therefore, both of them deserve protection U/s.438 of the Cr.p.c.

6. Learned APP opposed these submissions and produced

the investigation papers before the Court. Learned APP submitted that the deceased was practically spending her life as if she was in prison. There was constant check on her all activities. There used to be many video calls just to keep check on her activities. The deceased had small children and it shows that, she was driven to that situation where in spite of her children's future being compromised, she had to take that extreme step.

7. I have considered these submissions and I have perused the investigation papers before me. There is no dispute that the cause of death was "asphyxia due to hanging". The deceased had committed suicide on 30.03.2024 at about 10.30a.m. by hanging herself to a ceiling fan. The statements of a few witnesses are important. In particular, the statement of maternal uncle Prakash Gangurde is very important because, he had visited deceased's house on 29.03.2024. At that time, even Kaveri's brother was present there. Kaveri had specifically told this witness that, she could talk with Prakash's wife only because the Applicant No.2 was not in the house, otherwise, it was not possible because the Applicant No.2 used to suspect her character and used

to force her to have conversation on mobile phone only after switching on the speaker. Whenever, Kaveri used to have conversation with her neighbours, the applicant No.2 used to question her and used to threaten her. She used to pass remarks regarding the parents of Kaveri not having paid money for purchasing the flat.

8. The statement of Kaveri's brother Bhushan is also important because he had gone to Kaveri's house on 29.03.2024. He had conversation with Kaveri. She had told him that the applicant No.1 was harassing her more and more, day by day. She showed the whatsapp messages and reels sent by the applicant No.1. Those were indicating that the applicant No.1 was suspecting her character. Several times, Kaveri was trying to defend herself, but he was not listening to her. In the afternoon, she had specifically told him that, she was fed up because of harassment of the applicant Nos.1 and 2. She had also stated that she was not taking any legal action because the applicant No.2 was threatening her that, if she took any legal step she would not be allowed to come back to her matrimonial house. Therefore, in view

of the future of her children, she was not taking any action in accordance with law. In the same night, the applicant No.1 had called Kaveri through a video call. Even at that time, he was scolding Kaveri. On the next day, Kaviri committed suicide. The investigation papers contain whatsapp messages sent by the applicant No.1. In those messages also, there was strong indication that the applicant No.1 was suspecting her character. Ultimately, she was driven to commit suicide.

9. Considering all this background, specific role is made out against both the applicants during investigation. Also taking into account the gravity of the offence, the applicants cannot be protected U/s.438 of the Cr.p.c.

10. The application is rejected.

(SARANG V. KOTWAL, J.)