

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

ANTICIPATORY BAIL APPLICATION NO. 1002 OF 2024

Deepak Gobar Bagda & Anr.	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. Prashant Pandey a/w. Dinesh Jadhvani i/b. K. M. Kadam for Applicants.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 15 APRIL 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 265 of 2023 registered at Kalachowky Police Station, Mumbai, on 03.11.2023, under sections 306, 379, 380, 406, 415, 420, 503, 506 and 120-B of the Indian Penal Code.

2. Heard Mr. Prashant Pandey, learned counsel for the applicants and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. in this case is a result of the order passed by the Additional Chief Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai, under section 156(3) of the Cr.p.c. The F.I.R. is lodged by

one Vishram Parmar in respect of suicide committed by his son 'R' on 18.12.2020. The F.I.R. mentions that the informant's relatives had suggested the name of one 'P' for marriage with the informant's son 'R'. The engagement took place on 12.05.2019. But after that, 'P' never used to talk freely with 'R'. The informant and 'R' did not want to go ahead with the marriage, but 'P's family threatened them that they would lodge a false case for demanding dowry. The present applicants are the relatives of 'P'.

4. On 20.01.2020, 'R' and 'P' got married. After the marriage, 'R' told the informant that, his wife 'P' was not allowing him to have physical relations. She did not want to stay with him. They came to know that 'P' had a love affair with one person who was a teacher in Gujarat. The informant and his family enquired with 'P's family. 'P' confessed of her extra marital relations and refused to stay with 'R'. 'P's relatives took her back to her parent's house. It is alleged that 'P's relatives including the present applicants were threatening 'R' and the informant that they would lodge a complaint against 'R'. The F.I.R. mentions that, 'R' was constantly under pressure because of 'P's relations with a third

person. The informant came to know that, even before the marriage, 'P' had eloped with that person. Ultimately, on 18.12.2020, 'R' committed suicide by jumping from the 5th floor of his building. It is alleged that, in the night, there was a quarrel between 'R' and the present applicants. It is alleged that the applicants had threatened them. This is the gist of the F.I.R.

5. Learned counsel for the applicants submitted that the incident had taken place on 18.12.2020 and the F.I.R. was lodged on 03.11.2023 after the learned Magistrate had passed an order U/s.156(3) of the Cr.p.c. The F.I.R. itself shows that the reason for committing suicide was 'P's extra marital affair. The applicants cannot be held responsible for the act committed by 'R'. There is neither direct nor indirect connection of the present applicants. The allegations against them would not fall within the meaning of 'abetment' as defined U/s.107 r/w. 306 of the I.P.C.

6. Learned APP opposed these submissions. She produced the investigation papers before me. She relied on the statements of Nimesh Parmar, Dinesh Parmar and Prakash Sangdiya. Before the

deceased committed suicide, these applicants had threatened him.

7. I have considered these submissions. The incident is dated 18.12.2020. The F.I.R. is lodged much belatedly. Initially, the police had not even registered an F.I.R. The statements of the aforementioned witnesses are recorded after November 2023. Prakash's statement was recorded on 04.04.2024. Thus, there is a strong possibility of implicating the accused-applicants as an afterthought. The deceased himself had not made any complaint against the present applicants before the police or before any authority. The allegations show that the deceased was disturbed because of the relations between 'P' and the third person. That was the main cause as to why he was under mental pressure.

8. Considering all these aspects together, custodial interrogation of the applicants in the present set of facts is not necessary. It is sufficient if they co-operate with the investigation.

9. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No. 265 of 2023 registered at Kalachowky Police Station, Mumbai, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)