

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1673 OF 2023

1. Sachin Ramesh Patil
 2. Alpesh Ramesh Patil
 3. Ashwini Alpesh Patil
- ...Applicants

Versus

The State of Maharashtra

...Respondent

Mr.Raviraj Paramane Mr.Shubham Singh:-	a/w	Advocates for Applicants.
Mr.H.J.Dedhia:-		APP for Respondent – State.
Mr.Nitin Mudgun-API:-		Padgha Police Station.

CORAM : S. M. MODAK, J.

DATE : 24th APRIL 2024

P. C. :-

1. Heard learned Advocate for the Applicants who are Accused Nos.2 to 4 as per the FIR and learned APP.
2. Already this Court has granted an interim protection as per the order dated 19th June 2023. The deceased Reshma has jumped from the building in an intervening night of 5th May and 6th May 2023. This is recorded in C.C.T.V., cameras installed in and around the building.

The building is situated at village Padgha, Taluka : Bhivandi. She was shifted to Criticare Hospital at Thane. During treatment, she succumbed to the injuries on 12th May 2023. She was not in a position to speak. Even though, the FIR is registered on 16th May 2023 at the instance of her mother with Padgha Police Station, her mother was vigilant enough in informing Padgha Police Station on 8th May 2023. She has informed about the admission of her daughter in the Hospital in I.C.U., and she has also stated about the harassment by the husband and his relatives. Learned APP submitted that neither Vagale Estate Police Station nor Padgha Police Station could record the statement of the deceased as she was not in a position to speak.

3. After her death, the mother has informed to the Vagale Estate Police Station about the mental harassment at the instance of the husband and all the present Applicants and that is how, the offence is registered under Sections 306, 498-A read with 34 of Indian Penal Code, 1860 ("IPC") and then it is transferred to Padgha Police Station.

4. Already the charge-sheet is filed against the husband and he is granted regular bail by this Court. Now, the issue is, whether to confirm the interim protection.

5. With the assistance of both the sides, I have read the averments

in the FIR and the contents of statements of her relatives which includes her sister, her brother in law and other relatives. According to learned Advocate for the Applicants, even though there are allegations in the FIR against his clients, they are normal matrimonial disputes and they do not fall within the meaning of abetment. He relied upon the observations in the judgment in case of *Naresh Kumar v/s. State of Haryana*¹.

6. On perusal of papers, it reveals that the apparent reason for commission of suicide is she was not happy at the matrimonial house and it seems that she was more disturbed because her husband is having extra-marital affairs with wife of the Applicant No.1 – Sachin Patil. Whereas, on the point of conduct of Applicant No.1, learned Advocate for the Applicants invited my attention to one incident quoted in the FIR by the mother. There was some meeting in between the First-Informant, the deceased, their relatives and the members of the family of the Applicants and it was attended by the Applicant No.1 – Sachin. The contention is, he has taken initiative even though there are allegations against his wife. I have also read the statements of the witnesses on the point of this meeting and the witnesses have stated

1 Criminal Appeal No.1722 of 2010 : 22nd February 2024 : Supreme Court of India

that after the meeting, the deceased was convinced and she has resumed the cohabitation.

7. Learned APP pointed out that she was working woman and she was earning, however, these Applicants used to taunt her for different reasons. There is a statement of the employer wherein the deceased was working. No doubt, the deceased has disclosed about unhappy matrimonial life and even she has disclosed that the husband is not behaving with her properly and apparent reason was his illicit relationship with his sister in law.

8. It is true that the husband is arrested and he is granted regular bail. If we consider the allegations against these Applicants, no doubt, there are instances quoted in the FIR showing the specific role against these Applicants. The Applicant – Ashwini used to taunt her on account of her colour whereas the Applicant Alpesh used to taunt her on the ground of preparation of the food. It is true that during that limited cohabitation, the deceased had stayed with her mother's house on different occasions. The emphasis is on the telephonic discussion on 5th May 2023 in between the First-Informant and the deceased. It continued for twenty minutes. However, the First-Informant herself states that even though she has noticed her daughter's mental pressure,

she has not disclosed anything about the reason for the same.

9. This is not the stage to make the observations whether these allegations are sufficient enough to attract the provisions of Section 306 of IPC or not. We have to see whether the custodial interrogation is required or not. So far as the apparent reason for illicit relationship is concerned, nowhere the First-Informant and other relatives have made any allegations against these Applicants. That is to say, either insisting upon the deceased or convincing her about those allegations. In fact, in one meeting, the Applicant – Sachin has also participated. So, if looked from that angle, whatever instances are there, considering those instances, I do not think that custodial interrogation is required.

Hence, order :-

ORDER

- (i) The interim protection granted on 19th June 2023 is confirmed.
 - (ii) If, they have not furnished bail, let them furnish bail.
 - (iii) They are directed to co-operate the Police as and when required.
 - (iv) Applicants not to threaten the Prosecution witnesses.
10. Application is disposed of accordingly.

[S. M. MODAK, J.]