

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2860 OF 2024**

Gauri Rahul Khairnar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Amol Patankar for applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

Mr. Bhushan S. Deore, PSI, Naupada Police Station, District Thane City.

CORAM : MANISH PITALE, J.

DATE : 06th AUGUST, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court seeking bail in connection with FIR No.0375 of 2024 dated 05.03.2024 registered at Naupada Police Station, District Thane City for offences under Sections 306, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is the daughter of the deceased and she has alleged that the accused persons i.e. the son and daughter-in-law of the deceased were responsible for driving the deceased to commit suicide. In the statement of the informant, the quarrels between the deceased and the accused persons have been stated and it is alleged that on the date of the incident i.e. on 02.03.2024, the informant received a phone call from her deceased mother about the manner in which she was being harassed by the accused persons. Thereafter, in the afternoon, when the deceased was not

picking up her mobile phone, the informant made enquiries and went to the house of the accused persons and the deceased, to find that the deceased had committed suicide by hanging herself.

4. On the basis of the statement of the informant, the aforementioned offences were registered. The accused persons were arrested on 06.03.2024. By order dated 06.04.2024, the co-accused person i.e. the husband of the applicant herein and son of the deceased, was released on bail. By order dated 18.06.2024, the bail application of the applicant was rejected. The applicant has remained behind bars since 06.03.2024. The investigation is completed and chargesheet is filed.

5. The learned counsel for the applicant submits that even if the statement of the informant, leading to registration of FIR, is taken into consideration, there is absence of material to show intention of the part of applicant to drive the deceased to commit suicide. It is submitted that at worst, there were quarrels between deceased and applicant. Reference is also made to the report of non-cognizable offence registered at the behest of the deceased and it is stated that the description of the incident given in the said report appears to be at variance with the description of the same incident in the statement of the informant, leading to registration of FIR. It is submitted that the applicant is a woman and no fruitful purpose would be served by further keeping the applicant behind bars.

6. On the other hand, the learned APP submits that the investigation is completed and chargesheet is filed. The statement of the informant, leading to registration of FIR, does refer to the incident that formed the backdrop for the deceased to take the extreme step.

7. This Court has considered the rival submissions. The principal offence registered against the accused persons is under Section 306 of the IPC. The basic ingredient of the aforesaid offence is that there ought to be material on record to indicate that the actions attributed to the accused persons divulge the intention on the part of the accused to drive the victim to suicide. It is also necessary that certain overt acts are stated soon before the incident in question that would buttress the claim of the informant that the accused instigated the victim to commit suicide.

8. This Court has perused the statement of the informant, which led to registration of FIR and other material on record. The aforesaid material does indicate that quarrels were frequently taking place between the applicant and her mother-in-law i.e. the deceased. The relationship between the two was not healthy at all and that at one point in time, the deceased even alleged that the applicant had deliberately kept the knob of the gas stove open, so that it may lead to an untoward incident causing harm to the deceased. The statement also indicates that even on the date of the incident, the deceased had called the informant to indicate the manner in which the accused persons, particularly the applicant herein, was behaving which had made the life hell for the deceased.

9. Even if the statement of the informant is accepted, it is difficult to reach the conclusion that the actions attributed to the applicant were undertaken with the intention to drive the victim to commit suicide. It appears that there were series of quarrels between the applicant and the deceased i.e. the mother-in-law. But, it is difficult at this stage to read into those quarrels a plan or an intention on the part of the applicant to instigate the victim to commit suicide. In view of the above, this Court is inclined to

allow the present application.

10. Accordingly, the application is allowed in the following terms:

- (i) The applicant shall be released on bail in connection with FIR No.0375 of 2024 dated 05.03.2024 registered at Naupada Police Station, District Thane, on furnishing PR Bond of ₹ 50,000 and one or two sureties in the like amount to the satisfaction of the trial Court;
- (ii) upon release, within one week, the applicant shall inform the Investigating Officer as well as the trial court about her contact number and residential address and update the same in case of any change;
- (iii) the applicant shall co-operate with the trial Court in completing the proceedings expeditiously and attend the proceedings before the trial Court on each and every date, unless specifically exempted;
- (iv) the applicant shall not tamper with the evidence of the prosecution in any manner. She shall not undertake any action that may influence the informant, witnesses and other persons concerned with the case.

11. The applicant shall be liable to face proceedings for cancellation of bail, in the event any of the aforesaid conditions are violated.

12. It is also clarified that the observations made in this order are limited to the disposal of the present bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application is disposed of.

(MANISH PITALE, J)