

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

ANTICIPATORY BAIL APPLICATION NO.463 OF 2024

Puja Kunal Khairnar Applicant
Versus
The State of Maharashtra Respondent

Mr. Akshay H. Bankapur, Advocate for the Applicant.
Smt. Manisha R. Todke, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 27th JUNE, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 4 of 2024 registered at Mumbai Naka Police Station, Nashik City on 06/01/2024, under sections 306, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Akshay Bankapur, learned counsel for the Applicant and Smt. Manisha Todke, learned APP for the Respondent-State.

3. The FIR is lodged by Suresh Khairnar. He is the father of the deceased Kunal. He has mentioned that the present applicant got married with Kunal on 19/12/2021. They had good relations for about three months. Thereafter,

there used to be quarrels between them. Kunal told the applicant to take further education but she was not willing. On 20/09/2023, the applicant went back to reside with her parents. She wanted to get separated from Kunal. She had made an application before the Women Protection Cell, CIDCO, Nashik. The hearing was scheduled on two or three dates before that forum. It is alleged in the FIR that the applicant's relatives abused and threatened Kunal. Kunal was not willing to give divorce. It is further alleged that the applicant and her relatives continued abusing and threatening him by making phone calls. On 28/12/2023 Kunal had left his house for Silvasa on the pretext of purchasing some machinery. On 30/12/2023 he committed suicide in a hotel room at Nashik. There was a suicide note found in his pant pocket in which he had blamed the applicant and her relatives. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that the applicant was residing separately from June 2023. Therefore there cannot be any direct cause attributable to the

applicant for abetting the suicide committed by the deceased. He submitted that the applicant had taken steps in accordance with law because she herself was harassed and did not want to continue in that marital relations.

5. He submitted that the applicant has not committed the offence punishable under section 306 of the Indian Penal Code.

6. On the previous occasion i.e. on 16.2.2024 the Applicant was protected by ad-interim order. She was directed to attend the concerned police station and was directed to cooperate with the investigation as and when called.

7. Today learned APP, on instructions, states that the Applicant has attended the police station and has cooperated with the investigation.

8. Learned APP produced the investigation papers before me. I have perused those papers. Besides the suicide note left by the deceased, there are statements of the Members of the Women Right Cell, Nashik viz. Manisha Nagare which show the various dates on which both sides had appeared before the committee. There are complaints lodged by the

Applicant to the committee in the past. Thus, it can be seen that even the Applicant had some grievance against the deceased and his family. She had taken legal steps to protect her rights. Therefore, at this stage, it is difficult to observe that she had committed the offence under Section 306 of IPC read with 107 of IPC defining abetment. The Applicant is a lady. She has cooperated with the investigation. Therefore, the Applicant's custodial interrogation in this case is not required. It is made clear that these observations are made only for the decision of this application.

9. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No. 4 of 2024 registered at Mumbai Naka Police Station, Nashik City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

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by
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(SARANG V. KOTWAL, J.)