

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

ANTICIPATORY BAIL APPLICATION NO. 1371 OF 2024

Ansari Ajmal Husain Iqbal Ahmad	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Mahendra N. Sandhyanshiv for the Applicant.
Mr. Bapu V. Holambe Patil, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 14th JUNE 2024**

P.C. :

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

2. By this application, the applicant seeks anticipatory bail, as he apprehends arrest in connection with FIR No.0026 of 2024 dated 12th February 2024, registered at Ramzanpura Police Station, Dist. Nashik, for offences under Section 306, 323, 504 and 506 of the Indian Penal Code (IPC).

3. The material on record shows that the victim in the present case was a twice divorced lady, allegedly living with the applicant. The incident took place on 27th January 2024. The informant is the sister of the deceased and she states that the applicant informed her that the victim had expired. The body was found in the kitchen of the house of the applicant. It was lying on the floor

and it is alleged that the applicant himself had opened the door of the house and entered with the informant after the incident had occurred.

4. The learned counsel for the applicant submits that in the present case, there is delay of 15 days in lodging the FIR, as the informant approached the Police on 12th February 2024, which led to registration of the FIR. It is alleged by the informant that the deceased committed suicide due to the harassment and beatings given by the applicant. It is submitted that in the present case, the applicant is ready to cooperate with the investigation and looking to the delay in registration of the FIR, this Court may consider allowing the present application in favour of the applicant.

5. The learned APP appearing for respondent-State, has opposed the application. He submits that it is only after custodial interrogation of the applicant that further facts will come to light, particularly, in the backdrop of the fact that the door of the house was unlocked by the applicant. The postmortem report shows that the cause of death as asphyxiation, most probably due to hanging, while the body was found on the floor of kitchen. It is for applicant to explain these circumstances, for which his custody is necessary.

6. In the present case, the FIR has been registered after 15 days of the incident. The applicant himself had informed the informant on phone about the death of the victim. The postmortem report

does not show any injury on the body of the victim, except the ligature mark due to hanging and cause of death is also recorded as asphyxiation, most probably due to hanging. The FIR was also registered on the basis that it is a case of suicide. In such cases, concerning an offence under Section 306 of the IPC, some material showing harassment meted out by the accused soon before the actual act of suicide assumes significance. In the present case, considering the general statement of the informant that the victim committed suicide due to harassment and beatings given by the applicant and that too 15 days after the date of the incident, a *prima facie* case is made out.

7. Since, the applicant is ready to cooperate with the investigation, a case is made out for allowing the present application.

8. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0026 of 2024 dated 12th February 2024, Ramzanpura Police Station, Dist. Nashik, for offences under Section 306, 323, 504 and 506 of the IPC, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one surety in the like amount.

(b) The applicant shall remain present before the

Investigating Officer on 19th June 2024 at 10:00 a.m. and thereafter, as and when directed by the Investigating Officer, till filing of the charge-sheet. The applicant shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

MANISH PITALE, J.