

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

ANTICIPATORY BAIL APPLICATION NO. 1617 OF 2024

1) Sandeep Shyamrao Chavan and		
2) Aruna Sandeep Chavan	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Piyush R. Toshnival for the Applicants.
Mr. Mayur S. Sonavane, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 19th JUNE 2024**

P.C. :

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.

2. The applicants have approached this Court for relief, apprehending arrest in connection with FIR No. 1269 of 2023 dated 30th December 2023, registered at Wakad Police Station, Pimpri-Chinchwad, Pune, for offences under Sections 306, 323, 504 and 506 read with 34 of the Indian Penal Code (IPC).

3. The informant in the present case is the husband of the deceased. She was the sister of the applicant No.1 and sister-in-law of the applicant No.2.

4. As per the statement of the informant, on the basis of which

the FIR was registered, the applicants refused to return certain amounts allegedly given to them by the deceased. It is alleged that on 3rd December 2023, when the deceased went to the house of the applicants seeking recovery of the amount, the applicants not only refused to return the amount, but they also abused the deceased and threw her out of their house. It is alleged that thereafter, on 5th December 2023, when the deceased again approached the applicants for returning the amount, they not only abused her, but they also assaulted her. It is stated that in respect of the said incident, the deceased approached the concerned Police Station and when the Police tried to contact the applicants, their mobile phones were switched off. Thereafter, it is claimed that on 6th December 2023, when the deceased went out for work, she was found unconscious at a particular place. She was admitted to the hospital and eventually, she expired on 10th December 2023. The FIR was registered on 30th December 2023.

5. The learned counsel for the applicants submitted that in the present case, the FIR is delayed and there is no explanation for the delay. It is submitted that alleged incident took place on 6th December 2023 and the deceased expired on 10th December 2023 and yet, the informant i.e. the husband of the deceased approached the Police after 20 days of her death for registration of the FIR.

6. It was further submitted that even if the allegations in the

statement of the informant were to be taken on face value, the ingredients of the offence under Section 306 of the Cr.P.C. are not at all made out, particularly when the applicant No.1 is the brother and the alleged actions undertaken by the applicants can by no stretch of imagination be said to be intended to drive the deceased to commit suicide. It is further emphasized that there is no suicide note to indicate any effort on the part of the deceased to implicate the applicants before this Court.

7. The learned APP, on the other hand, submitted that statement of the informant described in graphic detail as to the manner in which the applicants harassed the deceased when she went to recover amount advanced to them. It was submitted that the chain of events clearly indicates that the harassment meted out by the applicants led the deceased to commit suicide.

8. This Court has perused the material on record. In such cases involving offence under Section 306 of the IPC, it is settled law that the actions of the accused should be with an intention to drive the victim commit suicide. It would be appropriate to consider the statement of the informant to examine as to whether even *prima facie* it can be said that the ingredients of the offence under Section 306 of the IPC are made out.

9. A perusal of the aforesaid statement merely shows that even according to the informant, the applicants had abused and assaulted the victim when she reached out to them for return of

her money. It is then stated that on 6th December 2023, the victim was found in an unconscious state and subsequently, she died during the course of medical treatment. There is no suicide note in the present case. At this stage, the material placed on record does not indicate that the actions attributed to the applicants were undertaken with the intention of driving the victim to commit suicide. Apart from this, it is evident that while the alleged incident took place on 6th December 2023 and the victim expired on 10th December 2023, the FIR was caused to be registered on 30th December 2023. This is also a factor required to be taken into consideration while disposing of the present application.

10. Since the applicants undertake to cooperate with the investigation, a case is made out for granting anticipatory bail.

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

(a) In the event the applicants are arrested in connection with FIR No. 1269 of 2023 dated 30th December 2023, registered at Wakad Police Station, Pimpri-Chinchwad, Pune, for offences under Sections 306, 323, 504 and 506 read with 34 of the IPC, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each and one surety in the like amount to the satisfaction of the trial Court.

(b) The applicants shall remain present before the Investigating Officer on 25th June 2024 between 10:00 am and 12:00 noon and thereafter, as and when the Investigating Officer calls upon them to remain present. The applicants shall cooperate with the Investigating Officer during the course of investigation.

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

12. Needless to say, violation of any of the aforesaid conditions would make the applicants 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 applicants in the present application.

13. The application is disposed of.