

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1635 OF 2024**

Ashok Shripati Pawar and others	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Niranjan Mundargi a/w. Mr. Ranjeet Pawar and Mr. Bhargav Pataskar for applicants.

Ms. Rutuja A. Ambekar, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 24th JUNE, 2024**

P.C. :

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

2. The applicants are the father-in-law, mother-in-law and brother-in-law of the deceased. They are accused alongwith the husband of the deceased in the context of the victim in the present case having committed suicide by hanging herself.

3. In this backdrop, the applicants are apprehending arrest in connection with FIR No.0398 of 2024 dated 29.05.2024 registered at Police Station Baramati City, District Pune Rural for offences under Sections 304-B, 306, 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (IPC).

4. The informant in the present case is the brother of the victim. He has stated in an elaborate manner as to the manner in which the husband of the

deceased and the applicants before this Court were harassing the victim (sister), which drove her to take the extreme step. This Court is informed that the accused No.1 i.e. the husband of the deceased is already arrested.

5. The learned counsel for the applicants invited attention of this Court to the statement of the informant leading to registration of FIR. He submitted that although there are allegations made against the applicants even in respect of alleged incident of harassment that took place one day prior as well as on the date of the incident, it cannot be said that the applicants before this Court acted in the aforesaid alleged manner to drive the victim to commit suicide. It is submitted that the tenor of allegations appear to be more against the accused No.1-husband on a suspicion that he was having an extramarital affair. On this basis, it was submitted that this Court may consider the application favourably.

6. On the other hand, the learned APP vehemently opposed the prayer. She submitted that the FIR has been registered recently on 29.05.2024 and the investigation is at nascent stage. She emphasized particularly on the incident that occurred one day prior to the incident, wherein the applicants before this Court created a scene at an engagement ceremony, where they taunted the victim and thereby, insulted her in front of a number of persons. Thereafter, it was emphasized that even on the day of the incident, the victim had called her father and also reached out to one of her friends and described the manner in which the applicants, alongwith accused No.1, were continuously harassing her due to which, she no longer had any desire to live. On this basis, it was submitted that the present application ought to be dismissed.

7. This Court has considered the statement of the informant minutely. There can be no doubt about the fact that the specific incidents one day prior to the incident and also, on the day of the incident, have been stated, which involve the applicants before this Court.

8. The incident on a day prior to the date of the incident shows that the applicants allegedly taunted and insulted the victim in front of a number of persons during the engagement ceremony concerning the manner in which she was dressed for the occasion. As regards the date of the incident, it is alleged that the victim had called up her father stating that the applicants and accused No.1 were continuing their harassment and they were even telling her to die while demanding ₹ 5 lakhs, due to which the victim had lost interest in life. Thereupon, at about 12:30 p.m., the victim is alleged to have committed suicide.

9. This Court has considered the aforementioned portions of the statement of the informant. The Supreme Court has taken judicial notice of the fact that in such cases, there is always a tendency to rope in all the family members of the husband and that the Court must be careful in taking into consideration the overall facts and circumstances of the case. Disagreements with the life partner and frustration in married life may drive a lady to take such an extreme step. But thereafter, there can be a tendency of her family members to teach a lesson to the accused, which may become the basis for allegations against the parents and siblings of the husband.

10. In the present case, at least in two places, the informant has specifically emphasized upon the suspicion of the victim about her husband-accused No.1 having an extramarital affair, which was causing immense pain

and frustration to her. The accused No.1-husband is already arrested. The allegations of taunts and ill-treatment by the applicants, have to be viewed from the angle as to whether they were undertaken by the applicants with an intention to drive the victim to commit suicide. The threshold to be achieved in such cases for the prosecution is obviously very high, particularly against the relatives of the husband.

11. Additionally, the Investigating Officer would have to indicate as to why the custody of the applicants is required. It does not appear that the applicants are a flight risk or they are avoiding the process of investigation. The applicants appear well entrenched in the society and therefore, this Court is of the opinion that as long as the applicants co-operate with the investigation, relief can be granted, subject to specific conditions.

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

- (i) In the event the applicants are arrested in connection with FIR No.0398 of 2024 dated 29.05.2024 registered at Police Station Baramati City, District Pune Rural for offences under Sections 304-B, 306, 498-A, 323, 504 and 506 read with 34 of the IPC, they shall be released on bail on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) each and one or two sureties in the like amount;
- (ii) The applicants shall remain present before the Investigating Officer on 26.06.2024 and 27.06.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon them to remain present.
- (iii) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

(iv) The applicants shall co-operate with the investigation and also in the proceedings before the trial court.

13. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

14. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

15. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli