

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

ANTICIPATORY BAIL APPLICATION NO. 1647 OF 2024

Amod Prakash Brijraj Singh	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Meghashyam Kocharekar for the Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.
Mr. Ashish Chavan a/w Akash Kotecha, A. M. Waradkar i/by Law
Supremus for the Informant.

CORAM: MANISH PITALE, J.
DATE : 25th JUNE 2024

P.C. :

. Heard learned counsel for the applicant, learned APP for respondent-State and learned counsel, who has instruction to appear for the informant.

2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0157 dated 10th May 2024 registered at Kharghar Police Station, Dist. Navi Mumbai, for offences under Sections 306, 323, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. The victim in the present case i.e. the wife of the applicant expired on 3rd May 2024. It is to be noted that the FIR was registered after seven days i.e. on 10th May 2024.

4. The informant in the present case is the younger brother of

the deceased. He approached the Police along with the two sons of the deceased and gave his statement, which led to registration of the subject FIR.

5. The learned counsel for the applicant has referred to the contents of the aforesaid statement. He submits that ingredients of the offence under Section 306 of the IPC require specific statements, as regards incidents that took place soon before the act of the victim of committing suicide. It is submitted that the statement of the informant, apart from being belated, cannot be said to be even *prima facie* demonstrating the ingredients of the said offence.

6. On the other hand, the learned APP submits that this case has taken a serious turn, for the reason that on 27th May 2024, the elder son of the victim and the applicant before this Court gave a statement before the Magistrate, which was recorded under Section 164 of the Code of Criminal Procedure, 1973 (Cr.P.C.). In the said statement, the son of the applicant himself has alleged that the applicant had killed the victim by using the “duppatta” and hanging her on the ceiling fan. It is submitted that, considering the aforesaid statement and the inconclusive postmortem report, this Court may not entertain the present application. It is further submitted that the applicant himself produced an alleged suicide note, which is highly suspicious and it appears to be in the handwriting of the applicant himself, for which his custody is certainly required. This Court is informed that the applicant is a

Sub-Inspector at International Airport, Mumbai and the CA report is still awaited.

7. The learned counsel appearing for the informant supported the contentions of the learned APP and he further submitted that the statement of the son of the applicant, recorded under Section 164 of the Cr.P.C., is clinching. It is submitted that the state of mind of the child ought to be appreciated, who must have been shocked by the violence inflicted by the applicant on the mother of the child.

8. This Court has considered the rival submissions. While the applicant must cooperate with the investigation and appropriate directions can be issued and in that regard, a case for granting interim relief is made out for the following reasons.

9. Perusal of the statement which led to the registration of the FIR shows that the informant approached the Police after seven days of the incident and it is specifically recorded that the two sons of the applicant accompanied him when the informant went to the Police. There is no whisper of any allegation of foul play that would indicate that the applicant had murdered his own wife. Instead, the thrust of the statement of the informant was regards the manner in which the applicant used to allegedly inflict physical and mental abuse on the victim i.e. his own wife. He used to abuse her, assault her physically on trivial matters and it is alleged that he was harassing her repeatedly soon before the incident, on the

ground that she was investing in the share market and losing huge amounts of money. It is specifically alleged that he used to harass the victim by asking for the amounts that were allegedly lost by the victim during the investments in the share market.

10. It is pertinent to note that even as per the informant, such incidents of harassment concerning loss of investments in the share market led to amounts being deposited by the father of the victim in her account, in order to placate the applicant. It is stated that even such amounts were again invested by the victim, which caused further loss and further harassment to the victim at the hands of the applicant. *Prima facie* it appears that if this was the reason for harassment soon before the incident, it was illogical that such amounts instead of being made over to the applicant, who was apparently upset with such financial losses, were deposited in the account of the victim, who despite having suffered such losses and faced harassment in the hands of the applicant again invested such amounts leading to further financial losses and more reason for the applicant to inflict harassment on her. The last such incident of amount being deposited is stated to be 29th April 2024 and the incident in question happened on 3rd May 2024. The FIR was lodged seven days after the incident, which is a factor to be taken into account.

11. The learned APP placed much emphasis on the statement of the elder son of the applicant recorded under Section 164 of the Cr.P.C. on 27th May 2024, wherein for the first time an allegation

has come on record that the applicant committed murder of the victim. Yet, till date, offence under Section 302 of the IPC has not been added. As on today, the FIR in respect of which the applicant is seeking relief in the present application records offences only under Sections 306, 323, 504 and 506 of the IPC.

12. As regards the alleged suicide note and requirement of custody of the applicant to take samples of his handwriting, appropriate directions can be issued to ensure that the applicant appropriately cooperates with the investigation. Nonetheless, a case for grant of interim relief is made out.

13. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0157 dated 10th May 2024 registered at Kharghar Police Station, Dist. Navi Mumbai, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one surety in the like amount to the satisfaction of the trial Court.
- (b) The applicant shall remain present before the Investigating Officer on 27th and 28th June 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (c) The applicant shall fully cooperate with the investigation, including giving samples of his handwriting, etc.

(d) The applicant shall not contact the minor sons during the pendency of this application.

(e) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses, particularly the minor sons and other persons concerned with the case.

14. The learned counsel appearing for the informant is permitted to file compilation of documents, after serving the copies on the learned counsel for the applicant as well as the learned APP.

15. List the application for further consideration on 8th July 2024 (High on Board).

MANISH PITALE, J.