

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

ANTICIPATORY BAIL APPLICATION NO.1897 OF 2024

Santoshkumar Srinivas Macharla,
Aged 38 years, Occ: Service,
Residing at House No.3822,
Tadali Road, Sarubhai Compound,
Brahmanand Nagar, Karnatghar,
Bhiwandi, Dist. Thane-421 305 ... Applicant
v/s.

State of Maharashtra
(At the instance of Narpoli Police
Station, District Thane) ... Respondent

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Mr Meghshyam Kocharekar, for the Applicant.
Mr Amit A Palkar, APP, for Respondent State.
API Karnavar Patil, Narpoli Police Station, Bhiwandi, Thane City,
present.

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Coram : R.N. Laddha, J.
Date : 16 July 2024

P.C. :

Heard Mr Meghshyam Kocharekar, the learned Counsel
appearing on behalf of the applicant, and Mr Amit Palkar, the learned
Additional Public Prosecutor representing the respondent/State.

2. This is an application for pre-arrest bail filed by the applicant
apprehending arrest in CR No.783 of 2024, registered with Narpoli
Police Station, Bhiwandi, for the offences punishable under Section
306 of the Indian Penal Code (IPC).

3. According to the prosecution, on 14.01.2024, Roja Rani, the wife of the applicant, committed suicide by hanging herself to the ceiling fan using a scarf at her residence. The marriage between the deceased and the applicant took place in 2010, and they were blessed with a son, Yash, aged about 11 years. The deceased was working in Axis Bank. Initially, they lived happily, but in 2019, the applicant asked the deceased to take a loan to purchase a flat. She obtained the loan and paid the instalments from her salary. The applicant allegedly coerced her into taking another loan for a different flat. In 2023, he compelled her to take an additional loan in her name. The burden of these loans and the harassment and ill-treatment led the deceased to commit suicide. It is further alleged that the applicant frequently argued with the deceased over minor issues. At the time of their marriage, the applicant falsely claimed to be an Engineer. It is also alleged that the applicant prevented the deceased from visiting her parents.

4. Mr Meghshyam Kocharekar, the learned Counsel for the applicant, submits that the applicant has been falsely implicated in the present case. The incident occurred on 14.01.2024, but the FIR was filed nearly two months later, on 18.03.2024. During this interim period, the police recorded ADR, investigated, and enquired about the incident, finding no evidence of foul play. The learned Counsel further submits that prior to filing the complaint, the complainant's family did not even remotely suggest that the applicant was responsible for the

deceased's death. They decided to live peacefully without animosity following a joint meeting between the families. Subsequently, a settlement agreement was reached between the deceased's mother and the applicant, with an accompanying undertaking addressed to the Bank where the deceased worked. According to the settlement, both parties agreed to invest funds in the name of the deceased's son, allocating a portion for loan repayment. However, after executing the settlement agreement, the deceased's parents insisted that the entire financial benefit be awarded solely to them.

5. Mr Kocharekar, the learned Counsel, contends that the offence u/s 306 of IPC is not attracted against the applicant. Mere allegations of harassment are not sufficient unless there is a specific action on the part of the accused that directly compelled the person to commit suicide, and this offending action should be closely connected to the time of occurrence. The prosecution does not assert that any instigation or provocation left the deceased with no alternative but to take her own life. Although the marriage was solemnised in 2010, no complaints of ill-treatment or adverse incidents were reported to the police or family members until the filing of the present FIR. Even during community meetings, no incidents were raised. The learned Counsel argues that apart from the bare and vague allegations made by the parents and brother of the deceased, there is no material on record linking the applicant to the present crime.

6. Mr Amit Palkar, the learned APP, submits that the offence is serious. The deceased committed suicide due to the harassment and ill-treatment by the applicant. However, the learned APP acknowledges that the investigation is almost complete, and the charge sheet will be filed within a couple of weeks. Nothing is to be recovered from the applicant, and his custodial interrogation is not necessary.

7. After reviewing the records, it appears that the deceased committed suicide on 14.01.2024. However, the FIR was filed on 18.03.2024, almost over two months after the incident. Initially, the police recorded ADR and conducted an investigation, but no grievance was made at that time. The applicant and the deceased were married in 2010, and there is no material available on record to indicate that the deceased ever made any complaints, and the deceased's mother outlined the terms for disbursing the deceased's service benefit. A significant portion of these benefits was allocated to the deceased's son, Yash, under the fiduciary guardianship of the deceased's mother. The learned APP acknowledges that there is nothing to recover or discover from the applicant, and his custody is not necessary. The investigation is nearly complete. Any concerns about the applicant tampering with the prosecution evidence or witnesses can be addressed by imposing appropriate conditions. Considering the above, this Court is inclined to grant anticipatory bail to the applicant. Accordingly, the application is allowed in the following terms.

ORDER

(i) In the event of arrest, the applicant shall be released on bail in CR No.783 of 2024, registered with Narpoli Police Station, Bhiwandi, on executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall cooperate with the investigation and report to the concerned police station as and when directed.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence any witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]