

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2034 OF 2024

Sonali Prashant Rajeshirke ... Applicant
Vs.
State of Maharashtra ... Respondent

Ms. Manvi Sharma i/b. Mr. Harshad Sathe for Applicant.

Mr. Prasanna P. Malshe, APP for Respondent-State.

Mr. Roshan Shankar Pawar, Police Naik, Chiplun Police Station, Ratnagiri.

CORAM : MANISH PITALE, J.

DATE : AUGUST 02, 2024

P.C. :

. Heard Ms. Sharma, learned counsel for the applicant and Mr.Malshe, learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0087 of 2024 dated 10.04.2024 registered with Chiplun Police Station, District - Ratnagiri, for offence under Section 306 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The applicant is the sister-in-law of the deceased, who committed suicide. Co-accused person is the sister of the applicant, who was the wife of the deceased and the third accused person is a person against whom it is alleged that the co-accused Akshara Mohite was having an affair.

4. The informant is the mother of the deceased. She has stated that there used to be quarrels between her son (deceased) and his wife i.e. co-accused (Akshara Mohite) on various occasions. The deceased had on earlier occasions also attempted to commit suicide. It is alleged that the applicant being the sister of co-accused Akshara Mohite was responsible for disputes between the deceased and his wife i.e. co-accused Akshara

Mohite. It is also alleged that co-accused Akshara Mohite was having affair with co-accused Mahesh Gawade and all this led to the deceased eventually taking his own life. The informant has referred to two recorded messages received from the mobile of the deceased, specifically stating that he was committing suicide because of the three accused persons.

5. The learned counsel for the applicant submits that even if the statement of the informant, which led to registration of the FIR, is to be taken into consideration, there is no specific incident or allegation levelled against the applicant. A general allegation is made that she was creating trouble in the matrimonial life of her sister. It is submitted that there is no overt act specifically attributed to the applicant just before the actual act of the deceased of committing suicide. It is brought to the notice of this Court that during pendency of the application before the Sessions Court, the applicant was granted interim protection. On this basis, it is submitted that this Court may consider allowing the present application as the applicant undertakes to co-operate with the investigation.

6. The learned APP, at the outset, points out that in the order passed by the Sessions Court, rejecting the anticipatory bail application of the applicant, it is specifically noted that despite enjoying interim order from the Sessions Court, the applicant did not co-operate with the investigation. On this ground itself, it is submitted that the applicant does not deserve any indulgence. It is further submitted that the contents of the two recorded messages sent by the deceased to his mother i.e. the informant, clearly make out a strong *prima facie* case against the applicant. On this basis, it is submitted that the application deserves to be dismissed.

7. This Court has perused the material on record. The statement of

the informant describes in detail as to the manner in which the deceased and his wife i.e. co-accused Akshara Mohite used to quarrel with each other. The role of the applicant is specifically stated to be that whenever there used to be quarrels between the deceased and his wife i.e. Akshara Mohite, the applicant being the sister of Akshara Mohite used to take her away. It is also alleged that the applicant was responsible for disputes in the matrimonial life of her sister. Thereafter, there is reference to the applicant in the recorded messages of the deceased, wherein he has blamed all the three accused persons, including the applicant for the extreme step taken by him.

8. This Court is of the opinion that for a *prima facie* case to be made out against the applicant of having incited the deceased to commit suicide, there has to be reference to an overt act soon before the actual incident. In the present case, apart from the recorded messages, there is no reference to a specific overt act on the part of the applicant soon before the actual incident. Apart from this, the allegations made against the applicant appear to be of general nature and although the recorded message does name the applicant as one of the persons responsible, that in itself, cannot lead to a conclusion that the applicant could be said to have incited the deceased to take the extreme step. Therefore, the applicant has indeed made out a *prima facie* case in her favour.

9. As regards the observation made by the Sessions Court that the applicant did not co-operate after interim order was granted in her favour, it is brought to the notice of this Court on behalf of the applicant that she is a single mother with four children as she is not residing with her husband. In fact, this aspect is specifically recorded by the Sessions Court in its order dated 17.05.2024, when interim order was granted to the applicant. It is submitted on behalf of the applicant that for the said reason, she could not present herself before the investigating officer.

10. The apprehension expressed by the learned APP that the applicant would not co-operate with the investigation if this Court grants relief, can be addressed by issuing appropriate directions in the present case.

11. 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.0087 of 2024 dated 10.04.2024 registered with Chiplun Police Station, District - Ratnagiri, she shall be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount;
- B. The applicant shall appear before the investigating officer on 05.08.2024 and 06.08.2024 between 10:00 a.m. and 12 noon without fail and thereafter, as and when called by the investigating officer. She shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and she shall not tamper with the evidence.

12. In case any of the aforesaid conditions are violated, the present order would be liable to be cancelled. 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.

13. The application stands disposed of.

(MANISH PITALE, J.)