

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2304 OF 2024

1. Suvarna Changonda Teli		
2. Akshata Sachin Teli	...	Applicants
Vs.		
State of Maharashtra	...	Respondent

Mr. Jayant Bardeskar for Applicants.

Mr. Mayur Sonavane, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 03, 2024

P.C. :

1. Heard Mr. Bardeskar, learned counsel for the applicants and Mr. Sonavane, learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0016 of 2024 dated 09.01.2024 registered with Jat Police Station, District - Sangli, for offences under Sections 306 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC). Subsequently, at the time of filing of the charge-sheet, offence under Section 304-B of the IPC has been added.

3. The informant is the mother of the deceased victim and she has stated that her daughter i.e. the victim was driven to commit suicide because of the actions of the accused persons, including the applicants in this application.

4. The applicants are the mother-in-law and the wife of the brother-in-law of the victim. This Court is informed that the husband and father-in-law of the victim were arrested and they were granted regular bail.

5. The learned counsel for the applicants submits that the applicants

are women and the material on record, including the statement of the informant, leading to registration of the FIR, demonstrates general and omnibus allegations made against the applicants to the effect that they along with other accused persons were harassing the victim. It is submitted that the victim and her husband i.e. the son of applicant No.1 were having disputes, due to which some steps were taken to bring about a solution and in that regard, the victim and her husband had started living separately. To support the said submission, attention of this Court is invited to copies of ration cards, showing that the family of applicant No.2 i.e. the husband of applicant No.2, the applicant No.2 herself and their minor children had a separate ration card and the father-in-law of the victim, mother-in-law of the victim (applicant No.1) and her husband (co-accused) along with the victim and minor children had a separate ration card.

6. By referring to statements recorded during the course of investigation, it is submitted that the separate residence of the victim along with her husband is made out and in that context, the omnibus allegations do not show any overt act on the part of the applicants to drive the victim to commit suicide. Reference is also made to a general diary entry of the date of the incident i.e. 05.01.2024, when the mother and the brother of the victim had expressly stated that they had no grievance against anybody and yet, four days later i.e. on 09.01.2024, the subject FIR was registered. On this basis, it is submitted that this Court may consider allowing the application.

7. On the other hand, the learned APP submits that the material on record sufficiently brings out ingredients of offences in question. The applicants, being the mother-in-law and wife of the brother-in-law of the victim were living in close proximity with the victim and they were also harassing the victim along with other accused persons leaving her no

option but to commit suicide. On this basis, it is submitted that anticipatory bail may not be granted.

8. Having heard the rival submissions in the backdrop of the material on record, this Court is inclined to allow the application for the following reasons:-

- a. The applicants are women against whom, the informant has made general allegations about harrasing the victim. Specific incidents are not mentioned and in any case, there is no reference to an incident soon before the date of the incident, which is one of the requirements for alleging an offence under Section 306 of the IPC pertaining to abetment of suicide;
- b. The copies of the ration cards placed on record read with statement of witness Tamana Yankappa Havgondi do *prima facie* indicate that the victim along with her husband and children was living separate from her brother-in-law, his wife (applicant No.2) and mother-in-law (applicant No.1). In such a situation, the general and omnibus allegations do indicate that a *prima facie* case is made out by the applicants in their favour;
- c. It is relevant to note that on the date of the incident i.e. 05.01.2024, when the mother and the brother of the victim visited the hospital where the body of the victim was lying, they had stated that they had no grievance against anyone. But, four days later i.e. on 09.01.2024, the FIR came to be registered;
- d. The basic ingredient of offence under Section 306 of the IPC is an act on the part of the accused to incite the victim to take the extreme step of committting suicide. The general and

omnibus allegations of harrassment against the applicants *prima facie* fall short of demonstrating the aforesaid basic ingredient;

- e. The applicants have undertaken to co-operate with the investigating authority.

9. 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.0016 of 2024 dated 09.01.2024 registered with Jat Police Station, District - Sangli, they shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] each with one or two sureties in the like amount;
- B. The applicants shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 06.09.2024 and thereafter as and when called by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not, in any manner, contact the informant or her family in any manner during the pendency of the investigation;
- D. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

10. 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 and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab