

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2347 OF 2024

Bhagabai Vitthal Deshmukh ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Rohan D. Kaiche for Applicant.
Mr. Bapu V. Holambe-Patil, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 06, 2024

P.C. :

. The applicant has approached this Court as she apprehends arrest in connection with FIR No.0491 of 2024 dated 06.07.2024 registered with Satana Police Station, Nashik Rural, for offences under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The informant is the father of the victim. He approached the police as his daughter along with her three minor girl children committed suicide. In the statement leading to registration of the FIR, the informant has stated the background in which the victim took the extreme step, including giving details in chronological order, as to the events that led to the victim committing suicide along with her three minor girl children.

3. The learned counsel for the applicant submits that the applicant is a senior citizen, aged about 60 years. No purpose would be served by taking her into custody. It is submitted that the allegations made in the statement of the informant fall short of demonstrating the ingredients of the offence under Section 108 of the BNS, which pertains to abetment of suicide.

4. The learned APP has vehemently opposed the present application, referring to the manner in which the informant has given details of the harassment suffered by his daughter i.e. the victim at the hands of all the accused persons, including the applicant. It is submitted that no indulgence may be shown to the applicant.

5. The applicant, in the present case, is the mother-in-law of the victim. In the statement of the informant, details have been given as to the manner in which the applicant along with other accused persons were harassing the victim, for the reason that she gave birth to girl children, one after the other. It is stated that after the third girl child was born, the intensity of harassment increased and thereafter, certain dates and events are given in the statement of the informant.

6. It is to be noted that the victim in the present case jumped into a well along with all three minor girl children aged about 7 years, 6 years and 1 ½ years. This extreme step taken by the victim indicates the extent and intensity of harassment that she appears to have suffered at the hands of the accused persons including the applicant, on the ground that male child was not being born.

7. The ingredients of the offence under Section 108 of the BNS pertaining to abetment of suicide are *prima facie* made out in the present case and hence no indulgence can be shown to the applicant. The application is dismissed.

8. Needless to say, the observations made hereinabove are limited to deciding the present anticipatory bail application.

(MANISH PITALE, J.)