

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

ANTICIPATORY BAIL APPLICATION NO. 2617 OF 2024

Lilabai Bhikaji Dhage	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Akshay Bankapur for the Applicant.
Mr. Tanveer G. Khan, APP for Respondent-State.

CORAM: MANISH PITALE, J.
DATE : 26th SEPTEMBER 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0344 of 2024 dated 1st September 2024 registered at Dindori Police Station, Dist. Nashik, for offences under Sections 85, 108, 80(1), 3(5), 115(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant in the present case is the father of the deceased. The applicant is the mother-in-law of the deceased and the co-accused person is her son i.e. husband of the deceased.

4. On 30th August 2024, the deceased went missing with her child i.e. her son aged about 4 years. The co-accused i.e. the husband of the deceased approached the Police with a missing complaint and on 31st August 2024, the bodies of the deceased and

the 4 years old son were found floating in a well. On 1st September 2024, the informant i.e. the father of the deceased gave his statement, which led to registration of the FIR. The principal offence in the present case is Section 108 of the BNS, which pertains to abetment of suicide.

5. The learned counsel for the applicant submits that the tenor of the statement of the informant, leading to registration of the FIR, shows that the marital relations between the co-accused and the deceased were not proper. As per the allegations made in the statement, the co-accused was allegedly having an extra marital affair and the friction between the co-accused and his wife i.e. the deceased on that account, led to co-accused inflicting violence on the deceased.

6. It is alleged that the applicant, being the mother-in-law of the deceased, did not come to her aid and when the deceased reached out to the applicant, as regards the alleged extra-marital affair of her husband i.e. the co-accused person, the applicant did not pay any attention and instead advised the deceased not to ignore the affair of her husband. The other set of allegations against the applicant pertain to demands being made allegedly by the co-accused and the applicant to bring cash amounts from the family of the deceased. It is alleged that in the context of such demands, the applicant had also harassed the deceased.

7. This Court is informed that the co-accused person i.e. the

husband of the deceased is already arrested. The tenor of the statement of the informant, leading to registration of the FIR, indicates that the thrust of the grievance is against the co-accused person. The role of the applicant, being the mother-in-law of the deceased, is limited to firstly, not coming to the aid of the deceased when the extra marital affair was brought to her notice and secondly, making demands of certain amounts from the deceased and in that context, harassing her. The allegation regarding demand of amounts appears to be an omnibus allegation and in that context, only at one place it is claimed that even the applicant along with the co-accused use to harass the deceased and beat her up.

8. The offence under Section 108 of the BNS pertains to abetment of suicide and abetment is defined under Section 45 of the BNS. As per the said definition, a person is said to have abetted doing of a thing, if she instigates any other person to do that thing. Even if the allegations made against the applicant in the present case are considered, *prima facie* it does not appear that such actions were undertaken by the applicant with an intention to instigate the victim to commit suicide. It is an unfortunate situation where the victim not only committed suicide, but she also took her 4 years old son with her, who also died.

9. 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.0344 of 2024 dated 1st September 2024 registered at Dindori Police Station, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 30th September 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant 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 applicant in the present application.

11. The application is disposed of.

MANISH PITALE, J.