

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

ANTICIPATORY BAIL APPLICATION NO. 3058 OF 2024

Pallavi Rahul Thete

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Satyajeet P. Dighe, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.
- Mr. Nandkishor B. Sanap, Police Constable, Nashik Taluka Police Station

CORAM : MANISH PITALE, J.

DATE : 18th NOVEMBER, 2024.

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P. C. :

1. Heard, Mr. Dighe, learned counsel for the applicant and learned Mr. Sonavane, APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0187 of 2024, dated 18th September, 2024, registered at Police Station Nashik Taluka, District Nashik Rural, for offences under Sections 108, 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The main offence registered against the applicant is under Section 108 of BNS (equivalent to Section 306 of the Indian Penal Code, 1860, pertaining to abetment of suicide).

4. At the outset, the learned counsel for the applicant relied upon

order dated 23rd October, 2024, passed by this Court in Anticipatory Bail Application Nos.2854 of 2024 and 2856 of 2024, whereby this Court granted anticipatory bail to co-accused persons.

5. It is submitted that the informant in the present case, being the mother of the deceased, has claimed that her son i.e. the husband of the applicant committed suicide because of continuous harassment meted out by the applicant and her family members. In the statement, leading to registration of the FIR, the incidents have been described, including an incident on 15th September, 2024, i.e. the day on which the victim committed suicide.

6. The learned counsel for the applicant submits that the description of the incidents does not even *prima facie* show that the acts of the applicant were undertaken with an intention of driving the victim to commit suicide. It is further submitted that the suicide note can also not be of much assistance. It is further brought to the notice of this Court that the applicant has an eight month old child.

7. The learned APP has opposed the present application, submitting that the role of the co-accused persons granted relief by this Court can be distinguished from that of the applicant. It is submitted that the applicant, being the wife is the main person who continuously harassed the victim,

which left him no option but to commit suicide and this is evident from the contents of the suicide note also.

8. This Court has perused the statement of the informant, leading to registration of the FIR. Although it can be said that the main allegations in the present case are against the applicant, being the wife of the deceased, this Court is inclined to allow the present application. This is for the reason that the genesis of the disputes between the deceased and the applicant is serious matrimonial discord. The statement of the informant itself shows that the applicant used to quarrel and she used to go to her relatives. She was taken back in the matrimonial house on an undertaking that she would behave in an appropriate manner. Thereafter, on 15th September, 2024, another such quarrel took place and thereafter, the victim committed suicide.

9. The suicide note simply blames the applicant for having harassed the deceased and about having defamed his mother.

10. In the light of the disputes between the applicant and her deceased husband, having their roots in matrimonial discord, *prima facie*, it would be difficult to reach a conclusion that the applicant undertook such acts with the intention to drive the victim to commit suicide. The applicant is a woman and she has to take care of her eight months old child. She is ready to cooperate with the investigation. The application deserves to be allowed.

11. Accordingly, the application is allowed in the following terms :
- (A) In the event, the applicant is arrested in connection with FIR No.0187 of 2024, dated 18th September, 2024, registered at Police Station Nashik Taluka, District Nashik Rural, she shall be released on bail, on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount.
 - (B) The applicant shall remain present before the Investigating Officer on 21st November, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
 - (C) The applicant shall cooperate with the investigation.
 - (D) The applicant shall not tamper with the evidence in any manner. She shall not influence the informant, witnesses or any other persons concerned with the case.
12. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail.
13. 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.
14. The application is disposed of.

(MANISH PITALE, J.)