

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3398 OF 2024

1. Lakshmi Mohan Lakhe
2. Nikita Mohan Lakhe ... Applicants

Vs.

State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.3399 OF 2024

Vaishali Mohan Lakhe ... Applicant

Vs.

State of Maharashtra ... Respondent

Mr. Piyush Toshnival for Applicants in both ABAs.

Mr. Mayur S. Sonavane, APP for Respondent - State in ABA/3398/2024.

Mr. Tanveer G. Khan, APP for Respondent - State in ABA/3399/2024.

Mr. Bhimashankar S. Torane, Police Constable, Pandharpur City Police Station.

CORAM : MANISH PITALE, J.

DATE : DECEMBER 14, 2024

P.C. :

1. Heard learned counsel for the applicants and the learned APPs for the respondent-State in both the applications.

2. The applicants herein are three accused persons against whom FIR No.0581 of 2024 was registered on 23.09.2024 at Pandharpur City Police Station, District - Solapur Rural, for offences under Sections 306, 506 read with 34 of the Indian Penal Code, 1860 (IPC). The applicants are apprehending arrest in connection with the said FIR.

3. The informant, in the present case, is a friend of the deceased. According to him, the deceased was alone after his marriage had failed and in that backdrop, he had developed a relationship with the applicant accused Vaishali Lakhe. It is alleged that the said applicant and her

mother and sister i.e. the applicants in the accompanying application started harassing the deceased and they demanded amounts from the deceased under the threat of instituting criminal cases against him. It is the case of the informant that from 30.05.2024 onwards, the deceased had informed the informant about such threats and the pressure felt by the deceased. It is alleged that in this backdrop, the deceased was left with no alternative but to commit suicide. The incident of suicide is said to have occurred on 19.06.2024, while the FIR was registered on 23.09.2024.

4. The learned counsel for the applicants submits that there is delay in registration of the FIR. It is submitted that the allegations levelled against the applicants are baseless, for the reason that even if there is material to show that the applicant - Vaishali Lakhe was in relationship with the deceased, there is not even a single complaint lodged against her and other applicants with regard to the alleged harassment suffered by the deceased. It is further submitted that in terms of the documents placed on record, it is evident that the said applicant Vaishali Lakhe herself had transferred amount of Rs.30,000/- to the deceased on 17.06.2024 i.e. two days prior to the date of the incident. This falsifies the claims of the investigating authority and the informant that the applicants were demanding money from the deceased. It is further submitted that in the face of such material, when the applicants are ready to co-operate with the investigation and all three applicants are women, this Court may consider allowing the applications.

5. On the other hand, the learned APP submits that initially, an ADR was registered and after enquiries were made, it came to light that the applicants had been threatening and blackmailing the deceased, which left him with no alternative but to commit suicide. The statement of the informant, who is the friend of the deceased, elaborately describes the

role of the applicants and since the ingredients of the offence under Section 306 of the IPC pertaining to abetment of suicide are made out, this Court may not show the indulgence to the applicants.

6. Having heard the rival submissions and upon perusal of the material on record, this Court is inclined to allow the application for the following reasons:-

- a. The incident of suicide is said to have taken place on 19.06.2024, while the FIR has been registered on the basis of the statement of the friend of the deceased i.e. the informant after more than three months on 23.09.2024. Although the aforesaid period of delay is sought to be explained by claiming that initially ADR was registered, this Court is of the opinion that delay of more than three months is a factor to be taken into consideration;
- b. The statement of the informant shows that the allegations as regards threats and blackmailing, allegedly done by the applicants, pertain to 30.05.2024 onwards. But, there is lack of material to indicate as to what was the trigger soon before the actual incident, which led to the deceased committing suicide;
- c. It was claimed on behalf of the investigating authority that call detail records indicate that even on the date of the incident, the applicant Vaishali Lakhe and the deceased were in touch with each other, but the aforesaid fact, in itself, may not show a strong *prima facie* case against the said applicant because even according to the informant, the deceased and the said applicant were in relationship with each other;
- d. The informant's claim that a huge amount of Rs.10 lakhs was

demanded by the applicants under the threat of initiating criminal cases against the deceased, *prima facie*, appears to be far-fetched, for the reason that the transaction statement of the applicant Vaishali Lakhe shows that on 17.06.2024 i.e. the two days prior to the incident, the said applicant herself had transferred an amount of Rs.30,000/- to the deceased. The aforesaid transaction statement indeed shows that some amounts were transferred by the deceased also to the said applicant Vaishali Lake. But such amounts are small amounts and they *prima facie* do not co-relate with the allegation of blackmailing and threats alleged against the applicants;

- e. The basic ingredient of the offence under Section 306 of the IPC is instigation by the accused persons leading to the victim committing suicide. *Prima facie*, the material on record appears to fall short of showing the said basic ingredient against the applicants. They have undertaken to co-operate with the investigation.

7. 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.0581 of 2024 was registered on 23.09.2024 at Pandharpur City Police Station, District - Solapur, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each with one or two sureties in the like amount;
- B. The applicants shall remain present before the investigating officer on 16.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. They shall co-operate with the investigation;

- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

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

9. The anticipatory bail applications are disposed of.

(MANISH PITALE, J.)

Minal Parab