



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.497 OF 2024
(Priyanka d/o Gajanan Jumale Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V. Sirpurkar, Advocate for the applicant.
Mr. K.R. Lule, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 9, 2024

Apprehending the arrest at the hands of police, in connection with Crime No.142/2024 registered with Police Station Pimpalgaon Raja, Tq. Khamgaon District Buldhana for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Suman Suresh Satav, alleging that the deceased who was her son, and was having love affair with the present applicant from last 4 to 5 years. The said relationship was disliked by the other co-accused, and therefore, there was a dispute between the deceased and the other co-accused. The deceased has committed suicide on 25/04/2024. It is further alleged that due to the abetment at the hands present applicant who has lodged the false report against her son and other

co-accused who have assaulted him and therefore, the deceased has committed suicide as he felt abused and humiliated, and therefore, crime is lodged against the present applicant vide Crime No.142/2024 under Section 306 read with Section 34 of the Indian Penal Code, 1860.

3. Learned Counsel for the applicant submitted that as far as the allegation against the present applicant is concerned which is only to the extent that she has lodged the report against him. Whether said report is false or not is to be decided on the basis of the evidence which would be adduced before the trial Court. He submitted that this allegation itself is not sufficient to show that she has abetted him to commit suicide.

4. Learned APP strongly opposed the said application on the ground that as the love affair between the present applicant and the deceased which was disliked by other co-accused. On the instigation of the other co-accused, present applicant has filed the false complaint which humiliated the deceased and therefore, he committed the suicide. In view of that, the application deserves to be rejected

5. After hearing learned counsel for the applicant and learned APP for the State. Perused the investigation papers from which it reveals that only allegation against the present applicant is that she has lodged the false complaint. Admittedly, whether the

complaint lodged by her is a false complaint or not is to be decided on the basis of the evidence.

6. Learned Counsel for the applicant further submitted that as this allegation is insufficient to show that there was an abetment at the hands of the present applicant. He also placed reliance on the decision of Division Bench in *Writ Petition No.104/2021 and 105/2021* at Principal Seat wherein the catena of decisions of the Hon'ble Apex Court are considered to ascertain the ingredients of the abetment and it can be said that the deceased was abetted to commit suicide. In the case of *Shabbir Hussain vs. The State of Madhya Pradesh [(2021) 17 SCC 807]* the Hon'ble Apex Court has considered that in order to bring a case within the provisions of Section 306 of the IPC, there must be a case of suicide and in the commission of the said offence the person who is said to have abetted the commission of suicide must have played an active role by an act of instigating or by doing a certain act to facilitate the commission of suicide. The Hon'ble Apex Court further goes on to observe that mere harassment without any positive action on the part of the accused proximate to the time of occurrence which led to the suicide would not amount to an offence under Section 306 of IPC.

7. In view of the above observation and considering the facts of the present case wherein only allegation against the present applicant is that she has

filed the false complaint which is not sufficient to show that she has abetted the deceased to commit suicide. However, at this stage, it would not be appropriate to observe that no offence is made out. However, considering the nature of the evidence, the interim protection granted to the present applicant deserves to be confirmed by imposing certain conditions.

8. Hence, the application is allowed. The interim protection granted to the present applicant vide order dated 09/07/2024 is hereby confirmed on the same terms and conditions.

9. The applicant shall attend the concerned police station as and when required for the investigation purpose and the Investigating Officer shall send the notice in advance to the applicant if her presence is required for the investigation purpose.

10. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)