



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 469 OF 2025

JATIN JITENDRA CHANDALIA

...APPLICANT

VS

STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. B. J. Shaikh for the Applicant.

Adv. Rutuja A. Ambekar, APP for the State.

Adv. Aditya Sarma a/w Priya Maurya i/b Sagar Shah for the First Informant.

PI sonali Jadhav, Malvani Police Station Mumbai City.

...

CORAM : RAJESH S. PATIL, J.

DATED : FEBRUARY 25, 2025

P.C.:

1. The applicant has filed the present application under 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 apprehending his arrest in C. R. No. 1809 of 2024 registered with Malwani Police Station, Mumbai for the offences punishable under Sections 352, 351(3), 115(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. It is a case of the prosecution that the informant who is the brother of the deceased informed that the incident of deceased hanging himself occurred on 8 December 2024. It is further submitted in the complaint that the deceased Rahul Kamble was an unmarried person and from the month of December 2020 he was residing with accused

no. 1 who was widow. She was mother of two sons by name Jatin and Lalit. Her son Jatin is accused no. 2 in the present FIR. The deceased Rahul had live in relationship with accused no. 1 and they were staying on leave and license basis in an apartment at Malad Mumbai. In the complaint attached to FIR, it is submitted that accused no. 1 used to harass him and periodically asked from deceased-Rahul, money for herself and for her relatives. Even after giving money, she used to call her son Jatin and beat the deceased-Rahul. Further, it has been mentioned in the FIR, on several occasions, threat were given to the deceased-Rahul that a wrongful case of rape against him would be lodged. Deceased Rahul was physically assaulted by accused no. 1 and 2. Similarly, such incident of accused no. 1 and 2 hitting the deceased occurred on 18 November 2024. Thereafter on 8 December 2024, the deceased committed suicide by hanging himself with a nylon thread/wire

3. When it was discovered that the deceased has committed suicide, while conducting search, it was found in his pants a suicide note which is now the part of the police record. An FIR was lodged by the informant who is the brother of the deceased. The accused no.1 has already been arrested and she is languishing in Byculla Jail. The accused no. 2 filed an anticipatory bail application before the Sessions Court and by order dated 10 February 2025, the application of the

present applicant was dismissed. Subsequently, the present application has been preferred before this court.

4. Learned counsel for the applicant submits that the accused no.2/applicant has no concern with the suicide committed by the deceased. The applicant was not within the locality where the suicide was committed. The deceased had relationship with the mother of the present applicant. The applicant is residing with his family at Andheri Mumbai. He submits that the applicant is ready to co-operate and attend the police station whenever called by the Investigating Officer.

5. The learned APP opposes the application and submits that if we go through the suicide note, the role of the present applicant is specifically mentioned. The accused no.1 is mother of two sons and in the suicide note, only the name of the present applicant is mentioned. There is also statement made by the eyewitnesses who are the neighbors and relatives, against the present applicant. The accused no.1 has been arrested and the custody of the present applicant is also necessary.

6. The learned counsel for the informant submits that he is accepting the submissions made by the APP and further wants to add that there was threat from the present applicant to the deceased and the deceased who had been away from his family due to the act of the

accused no. 1. He was left with no other option but to commit suicide. His suicide note clearly mentioned the name of both the accused. Therefore, no leniency should be shown to such a person.

7. I have heard the counsel for both the sides and I have considered the documents on record including the FIR and the statements of the witnesses recorded by the police so also I have gone through the suicide note. The suicide note clearly mentions that it was the present applicant along with his mother who used to assault the deceased. At least in 2 to 3 occasions such an act was done by the present applicant of hitting the deceased. So also, the present applicant used to give threat to the deceased that he will kill him. All these facts have been specifically stated in the suicide note. The FIR also records the acts done by the present applicant. The statement of the neighbors and relatives are also mentions the name of the present applicant.

8. The deceased was a young man of 41 years of age and committed suicide because of threat given by the present applicant and his mother. The allegations in the FIR are specific and coupled with the suicide note raises serious concern with the applicant's role. Having regard to the seriousness of the allegations, granting anticipatory bail may hamper the investigation and lead to the possibility of witness intimidation.

9. The prosecution has made a strong case for the necessity of custodial interrogation. Considering the gravity of offence and serious allegations in the suicide note explicitly naming the applicant and his mother necessitates for custodial interrogation. Such custodial interrogation would enable the investigating agency to uncover the full extent of the applicant's involvement and secure vital evidence related to the crime. Considering the nature of the allegations, custodial interrogation is required for the purpose of comprehensive investigation. In view of the serious allegations against the applicant along with his mother, the nature of the offence, and the necessity for custodial interrogation, this court finds that the applicant is not entitled to anticipatory bail. Hence, I pass the following order;

ORDER

1. **The Anticipatory Bail application No. 469 of 2025 filed by the applicant is rejected.**
2. Anticipatory Bail Application No.469 of 2025 stands disposed off.

(RAJESH S. PATIL, J.)