

**IN THE COURT OF SESSIONS FOR GR.MUMBAI AT DINDOSHI
BORIVALI DIVISION, MUMBAI**

ANTICIPATORY BAIL APPLICATION NO.777/2018

(C.R.NO.185/2018 MEGHWADI POLICE STATION)

Mrs.Hina Choudhary Khanna Applicant.
V/s.

**The State of Maharashtra
(through Meghwadi police Station) Respondent.**

Advocate Mr. Rishi Bhuta @ Adv.Waghmare for applicant.

APP Mr.Salunke for State.

**CORAM : HIS HONOUR JUDGE
SHRI A.T.WANKHEDE.
(C.R. No.14)**

Date : 10th July 2018.

-ORDER-

1 Applicant is asking for grant of anticipatory bail in respect of Crime no.215/18 registered with Meghwadi police station, for offence punishable u/s 306, 34 of IPC.

2 According to the applicant, she has not committed any such offence. Prima facie there is no foul play on the part of applicants. She is from respectable family. She has not committed any crime at any time. No custodial interrogation is required. Whole case is based on misunderstanding. She is ready to co-operate investigating agency. Hence, prayed for grant of bail.

3 Ld.APP opposed the application on the ground that applicant alongwith her husband abetted deceased to commit suicide.

Applicant/accused has given threat to publish her footage on the Face Book and Whatsapp. Mobile number of accused is to be seized. Detail investigation is to be made in the offence. She is the main accused in the offence. Offence is serious. Hence, urge to reject the application.

4 The Intervener also appeared in the matter and objected for grant of pre-arrest bail to applicant/accused.

5. Heard ld .advocate for the applicant and ld. APP. Perused case diary.

6. Allegations are leveled against applicant/accused and her husband that they abetted deceased to commit suicide. It is alleged that on 25.6.18 deceased Jyoti Patekar committed suicide by jumping from 18th floor. Father of the deceased Harishcahndra lodged report with the police station and alleged that as the deceased Jyoti demanded salary to applicant/accused they made false accusations of theft on her and gave threat to publish footage on FB and Whatsapp.

7. It appears that deceased Jyoti was a maid servant at the house of applicant/accused. On 17.5.18 when she had been to her house, she told to her parents that she has not received salary of 3 months. Thereafter she again resumed work. On going through contents of report and statement of witnesses, it reveals that on 25.6.18 applicant made phone call to the wife of informant and asked her how much amount paid to Jyoti. On that she told Rs.10,000/- Thereafter mother of deceased made attempt to contact deceased Jyoti, but she has not received call. One Rajshri made phone call to applicant/accused to whom it was told that deceased Jyoti was caught in camera while

making theft and phone of Jyoti was with her. From this event it appears that something has happened in between deceased Jyoti and applicant/accused and thereafter immediately she died.

8 It is argued by ld. advocate for applicant/accused that offence u/s 306 of IPC is not made out against applicant/accused. The ld. counsel relied on the unreported judgment of **Bombay High Court in the matter of Rahul Raj Singh Vs. State of Maharashtra** decided on 25.4.2016, in ABA no.661/2016 wherein it is held that,

To constitute an offence u/s 306, it is necessary for the Court even at the stage of anticipatory bail, to find out whether prima facie case of abetment as per ingredients of Section 106 of IPC is made out or not. There should be instigation or conspiracy or a person should intentionally aid that the deceased should commit suicide. It is necessary to show whether the accused was having mens rea that he wanted deceased to commit suicide.

9. In this case it is fact that on 25.6.18 the deceased was present in the house of applicant/accused Applicant/accused took out mobile of the deceased due to which her relatives could not contact her. This has created doubtful circumstance. If at all deceased has made any theft in the house of applicant/accused, same can be reported in the police station. At the time of incident or immediately prior to the death of the deceased applicant/accused was with her. Offence is of serious nature. Detail investigation is required to be made in the offence. The role of applicant/accused is vital. Considering the nature and gravity of offence, applicant/accused do not deserve for pre-arrest bail. Hence, the order.

ORDER

ABA 777/18 is hereby rejected and disposed of accordingly.

10/07/2018

(A. T. Wankhede)
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai

Dictated on : 10/07/2018
Transcribed on : 16/07/2018
Signed by HHJ on : 16/07/2018

“CERTIFIED TO BE TRUE AND CORRECT COPY OF the ORIGINAL
SIGNED JUDGEMENT/ORDER.”

Uploaded on:19/07/2018 at:11.20 pm S.G.Steno:Mrs.C.S.Sonawane

Name of the Judge (with Court room no.)	HHJ Shri A.T.Wankhede Court Room no.14
Date of pronouncement of judgment/order:	10/07/2018
Judgment/order signed by P.O. on	16/07/2018
Judgment/order uploaded on	19/07/2018

ABA No.777/18

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ORDER

