

Order below Exh.1
in Cri. Bail Application No.71/2022.
(Bhagirathi Ganpat Mhasne Vs State)

This is an anticipatory bail application moved by the applicant-accused Bhagirathi Ganpat Mhasne under section 438 of the Criminal Procedure Code for grant of anticipatory bail in connection with CR No.10/2022 registered with Ghoti Police Station for the offence under section 306 r.w.s.34 of the Indian Penal Code (hereinafter referred to as "IPC" for short), in the event of arrest in connection with above referred crime registered on 13.1.2022.

2. The alleged incident of suicide took place on 3.1.2022 by deceased Vijay Dwarkanath Goikne in his house and left behind a suicide note and on the basis of the said incident the FIR was lodged by his mother Anjana Dwarkanath Goikne and therefore, the applicant-accused apprehend to arrest at the hands of police in the said crime. It is stated by the applicant-accused that she is handicapped and local resident. She has been falsely implicated in this crime. Therefore, ready to abide all conditions laid down by this court and hence, prayed to allow anticipatory bail.

3. I.O. is present and opposed the application by submitting his report. Heard both the parties.

4. The learned counsel for applicant-accused Shri. Walzade has submitted that in fact the name of the applicant-accused is not mentioned in the FIR, name of Bhagirathi Borade is mentioned, but the name of the applicant-accused is Bhagirathi Mhasne and still the police are trying to contact her in connection of present crime and therefore, she apprehend of arrest in connection with the present

crime. The incident occurred on 3.1.2022 and the FIR is lodged on 13.1.2022, there is delay in lodging the FIR and thus, on this count he submitted that applicant-accused being handicap her anticipatory bail application may be considered.

5. On the other hand, learned APP Shri. Suryavanshi submitted that so far as variation in the name of applicant-accused is concerned, no much importance can be given as applicant-accused has ascertained that her name is involved in the present crime and therefore, she appeared before this court. So far as role of present applicant-accused is concerned her name is mentioned in suicide note alongwith other accused, however, while registration of FIR the name of applicant is mentioned as Bhagirathi Borade/Mhasne, there is no question of identity of applicant-accused and she is involved in present crime. The present applicant-accused and other accused have mentally ill-treated the deceased. Therefore, submitted to reject the application.

6. I have gone through the entire record. It appears that the deceased was on accused in earlier crime registered with Ghoti Police station lodged by Shubhangi, one of the accused in this case was arrested in the year 2014 and the deceased was released on bail and subsequently it is alleged that the accused No.1 was making false allegation that she is pregnant from deceased Vijay. She had sent the accused Pratibha and Ranjana at the house of first informant and stated that there are love relations between Vijay and Shubhangi and since when Shubhangi became pregnant, Vijay avoided to meet her and therefore, Pratibha and Ranjana discussed the issue at the house of first informant. It is also disclosed in the FIR that Vijay was

receiving phone call from Shubhangi and therefore, he became disturbed and ultimately committed suicide.

7. Thus, on the background of these allegations there is link in between the death of the deceased Vijay and present applicant-accused as the issue of personal relationship of deceased Vijay and Shubhangi appears to be the bone of the dispute, which led committing suicide by Vijay. Applicant-accused is also shown as friend of Shubhangi and therefore, ultimately her name is appearing in the suicide note left by the deceased Vijay. Therefore, investigating officer is required to investigate the crime in respect of the exact conversation of this applicant-accused with the deceased Vijay and her role in the crime. Hence, prima-facie there is case against the applicant-accused. The suspicion is strong against the applicant-accused. Therefore, Investigating Officer needs custodial interrogation of the present applicant-accused so as to reach to the end of the present incident. Hence, application is devoid of merit. Therefore, I pass following order.

ORDER

- 1) Anticipatory Bail Application No.71/2022 is hereby rejected.
- 2) Inform the concerned police station accordingly.

Date-21.01.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.