

Order below Exh.1
in Cri. Bail Application No.90/2022.
(Pratibha Subhash Dute Vs State)

This is an anticipatory bail application moved by the applicant-accused Pratibha Subhash Dute 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. It is stated in the application that the applicants-accused is no way connected with the present crime. No prima-facie case is made out against her, allegations against her are vague, there no criminal antecedent and she will ready to abide the condition laid down by this court and hence, prayed to allow anticipatory bail.

3. The state has opposed the application. I.O. is present and submitted report. Heard both the parties.

4. The learned counsel for applicants-accused Shri. G.L. Bodke has submitted that even if the case of prosecution is accepted entirely, no offence is made out against present applicant-accused as she has not instigated the deceased to commit suicide, just her name is mentioned in the suicide note that cannot be said that she is involved in the crime.

5. The learned APP Shri. Suryavanshi submitted that it is not the stage to scrutinize the prosecution case minutely. It is an anticipatory bail application and role of the accused is to be seen

prima-facie based upon the papers of investigation and therefore, in his argument he pointed out the role of present applicant-accused as one of the applicant-accused Ranjana Sable had visited the house of the first informant and alongwith her and threatened first informant that her son is involved with the accused No.1 Shubhangi who was pregnant and both of them have physical relationship with each other and she has come to discuss with the said issue and also informed that deceased Vijay had to visit at Igatpuri to Shubhangi, if he fails to marry with her, she will implicate him in court cases and that will cause a lot of trouble. Even after this incident the deceased was continuously troubled by phone call particularly by Shubhangi Ghumare and he was continuously disturbed and ultimately committed suicide.

6. In his suicide note the name of accused No.1 Shubhangi and her friends are mentioned. He has stated that these accused have destroyed the lives of so many persons and he is also committing suicide. The learned counsel for applicant-accused tried to point out that she is trying to settle the dispute of the persons and that cannot be said to be suicide, however, fact of present case are otherwise. Deceased was threatened by visiting his house and was continuously tortured on phone calls can be said to attract the provisions of section 306 of IPC, at least at the stage of hearing of the bail application.

7. I.O. has submitted in her report that the ADR and CDR reports of the mobile phone call of the accused are awaiting and therefore, it will help the investigation of the case and link between the suicide by the deceased and the involvement of the present

applicants-accused in present case. Therefore, considering all these facts and circumstances discussed above, the custodial interrogation of the applicants-accused are very much essential. They are absconding since the registration of the crime. Hence, the present application deserves to be rejected. Therefore, I pass following order.

ORDER

- 1) Anticipatory Bail Application No.90/2022 is hereby rejected.
- 2) Inform the concerned police station accordingly.

Date-24.01.2022

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