

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2729 OF 2015

Swapnil s/o Bharat Pawar & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

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Mr. S.J.Salunke, Advocate for Applicants.

Mr. U.S.Mote, A.P.P. for R.No.1 – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 19th JUNE, 2015

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PER COURT :

1. Present Criminal Application is filed by the applicants since they are apprehending their arrest in connection with Crime No. 52/2015 registered at Sillegaon police station, Dist. Aurangabad for the offences punishable u/s 306 read with 34 of the Indian Penal Code.

2. Heard Mr. S.J.Salunke, learned counsel for the applicants and Mr. U.S.Mote, learned A.P.P. for respondent No. 1 – State.

3. F.I.R. is lodged by Angraj Satish Pawar, who is brother of deceased Pallavi, on 18/04/2015. Pallavi was aged about 25 years. She was having qualifications up to B.Sc.

B.Ed. For some time, she was discharging her duties as teacher. She was also preparing herself for M.P.S.C. examination.

4. According to F.I.R., when Pallavi was serving as teacher at Aurangabad, she came in contact with applicant No. 1 Swapnil resulting into love affair between them. Applicant Nos. 2 and 3 are the parents of applicant No. 1. As per F.I.R., Pallavi and Swapnil were to marry with each other. However, the parents of Swapnil were saying that marriage will be solemnized after some time. According to F.I.R., the parents of Swapnil used to go to the relatives of the first informant and used to say that Pallavi is after Swapnil and is saying that the marriage should be performed. According to F.I.R., since last one month when she had been to the house of the first informant from Aurangabad for preparation of her studies, she was always in dis-mood condition. On 15/04/2015 Pallavi committed suicide by hanging herself. F.I.R. would show that police have seized register from the place of occurrence, wherein it is written by Pallavi that she is having love affair with applicant No. 1 Swapnil. However, since last 2 – 3 months, he has changed himself and is now saying that he do not want to marry with her, therefore, she has committed suicide.

5. Unsuccessful love affair can not be treated as the instigation to commit suicide. Further, police have already seized the register. Therefore, custodial presence of the applicants is not at all necessary.

6. Hence, I pass the following order.

- [i] The order passed by the Hon'ble Vacation Judge on 29/05/2015 granting ad-interim anticipatory bail in favour of applicant Nos. 2 and 3 stands confirmed.
- [ii] In the event of arrest in connection with Crime No. 52/2015 registered at Sillegaon police station, Dist. Aurangabad for the offences punishable u/s 306 read with 34 of the Indian Penal Code, applicant No. 1 Swapnil s/o Bharat Pawar be released on anticipatory bail on he executing P.R. Bond of Rs. 15,000/- with two solvent sureties of like amount.
- [iii] Present applicant Nos. 1 to 3 shall attend Sillegaon police station as and when required by the Investigating Officer on receipt of the written communication from him.
- [iv] Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]