

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 579 OF 2015

Ajay Kumar Rajendraprasad Singh	... Applicant
Vs.	
The State of Maharashtra	... Respondent

CRIMINAL APPLICATION NO. 482 OF 2015
IN
ANTICIPATORY BAIL APPLICATION NO. 579 OF 2015

Shashi w/o. Ravindra Singh	... Intervener
in the matter between	
Ajay Kumar Rajendraprasad Singh	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Shirish Gupte, Senior Advocate i/b. Mr. Ashok Singh for the applicant.
Mr. Arfan Sait, APP for the respondent/State.
Mr. Rajendra Singh Salujam Advocate for the applicant/intervener.
I.O. Ms. P.P. Gore, WPSI, Panvel Police Station, Navi Mumbai present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 28, 2015**

P.C.:

Today one sealed envelope is produced before this Court. The label on the sealed envelope discloses one diary, one screw and lock, one cell phone and one blue colour dupatta. These articles were seized in panchnama dated 15th December, 2014. All these articles are placed in a separate sealed packets. These articles are kept intact in sealed condition. Perused the diary and again it is kept in the same packet and resealed. The envelope containing all the above articles are resealed and handed it over to the Investigating officer.

2. Criminal Application no. 482 of 2015 filed by the original complainant for intervention is allowed.

3. Criminal Application No. 579 of 2015 is moved for pre-arrest bail, as the applicant/accused apprehends arrest for the offences punishable under sections 306 and 406 of the Indian Penal Code in C.R. No. I-99/2015 registered at Panvel Police Station, Navi Mumbai. The offence was registered at the instance of mother of victim on 1st April, 2015.

4. It is an unfortunate incident of suicide committed by a girl, who was in love with the applicant/accused nearly for 2 years. Both the deceased girl and applicant/accused were working in ONGC. She was working as Environment Engineer and applicant/accused was a Fire Officer. They were in love with each other since 2012 and he showed interest in getting married to her. In June, 2013 she persuaded him to marry, however, he was postponing the issue. In June, 2014 he took his transfer to Assam and therefore, the communication between them was reduced. They used to contact each other on phone. On 25th July, 2014 they both celebrated the victim's birthday. He promised her that he would ask his family members and the marriage can be fixed thereafter. Thereafter, he tried to avoid her. On 14th December, 2014 the family members of the victim tried to contact her but she did not give any response. On the same day at around 3 p.m. she hanged herself with dupatta and committed suicide.

The suicidal death was registered at C.R. No. 128 of 2014. The victim's mother came across the information given from the office of Registrar, Panvel that applicant/accused got married with one Alka Kapri on 6th March, 2012 and he has suppressed this fact from the family of the victim. Thus, the victim's mother gave information to the police alleging that applicant/accused gave false promise of marriage to the victim and he exploited her by demanding money and gold ornaments from time to time. The offence was registered on 1st April, 2015.

5. The learned senior counsel for the applicant/accused has submitted that the fact of first marriage of the applicant/accused was not suppressed by him from the victim. She was aware of the marriage and the Marriage Petition has reached upto the Supreme Court. He submitted that the applicant/accused has not committed any offence under section 306 or 406 of the Indian Penal Code. The learned senior counsel has further submitted that as per spot panchnama, a personal diary of the victim was seized and in the said diary, she has mentioned that nobody was to be blamed for her act.

6. Learned APP and learned counsel for the intervener both have submitted that prior to the date of suicide, CDR of cell phone of applicant/accused and victim discloses that there was continuous talk between them nearly of 6 hours and many calls were exchanged by both

of them. The learned APP further submitted that the fact of previous marriage was suppressed from the victim. The applicant showed interest in her earlier and after getting money, he was not ready to marry her. This led her to commit suicide. The call record also shows that it was an immediate cause for her to take decision to commit suicide. Learned APP pointed out that the contents in the diary reveal that the victim was in love with applicant/accused and he had promised her to marry.

7. Perused the FIR, personal diary of deceased and the documents produced and relied on by the learned counsel for both the sides. The record shows that the applicant/accused and victim were in fact having affair and there was promise to marry. The victim was hopeful about it and she was keen in buying the house for both of them. It appears that there was withdrawal from the side of applicant/accused and this resulted in the suicide. In case of such love affair and promise to marry and subsequent withdrawal of either of the parties, unless some special circumstances are brought on record of instigation or abatement, it cannot be said *prima facie* that ingredients under section 107 of the Indian Penal Code are present. As per the submissions of learned APP and learned counsel for the intervener, there were continuous telephonic conversation between the victim and applicant/accused prior to suicide. However, it is unsafe to infer at this stage that in the conversation, the applicant/accused must have instigated her to commit suicide, especially when in her diary she has

mentioned that nobody is to be held responsible for her suicide. Under such circumstances, I am inclined to grant pre-arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail;
- iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on 10th August, 2015, 11th August, 2015 and 12th August, 2015 between 10 a.m. to 12 noon.

8. The Application stand disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)