

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1120 OF 2015

1. Mr. Ramesh Yerbude)
2. Mrs. Rekha Ramesh Yerbude)..Applicants
vs.
The State of Maharashtra ... Respondent

Ms.Anjali Patil, Advocate, for the applicants.
Ms. P.P.Shinde, APP, for the State

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 12th August, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C.
The applicants herein are apprehending their arrest in Crime No.246 of 2015 registered at Vakola Police Station for the offences punishable under Sections 306, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. It is the case of the prosecution that on 1.6.2015, one Yelappa Jadhav lodged a report at the police station alleging therein that his daughter Soni was in love with Deepak Yergude who happen to be the son of the present applicants. They used to meet each other clandestinely. The society was criticizing the said relationship on the ground that since the

daughter of the complainant and Deepak belong to the same Gothra, they cannot get married customarily. Due to the said fact, Soni was under depression. That his daughter had disclosed to him that the son of the applicants used to abuse her and quarrel with her. On 29.5.2015, the daughter of the complainant had committed suicide by pouring kerosene on herself. It is alleged that the son of the present applicants and the applicant No.2 had abused her on the road. The applicant No.1 had assaulted her. He had learnt about such incident from the people in the said vicinity. That his daughter had got disturbed because of the said incident and hence the applicants are being prosecuted for the offence punishable under Section 306 of IPC.

3. Perused the papers of investigation. The dying declaration of the victim was recorded in the hospital. She has not disclosed the cause of committing suicide. She has not attributed any overt act to the present applicants and has neither disclosed about the prelude to the incident which occurred on 29.5.2015. Prima facie, it cannot be said that the case rests upon the dying declaration which does not disclose any cause of death.

4. Taking into consideration the facts and the submissions advanced

across the bar, the applicants deserve pre-arrest bail.

5. The observations made hereinabove are prima facie in nature and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(iii) The applicants shall report to the concerned police station as and when called.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)