

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1545 OF 2015

Deepak Ramesh Yarbude

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Anjali Patil for Applicant

Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : AUGUST 13, 2015.

PC :

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 16/07/2015 in crime no. 246 of 2015 registered at Vakola Police Station for offence punishable under sections 306, 323, 504, 506 r/w 34 of Indian Penal Code.

2) It is the case of prosecution that on 01/06/2015, one Yalappa Jadhav lodged a report at the police station alleging therein that his daughter Soni was in love with present applicant. They were distant relatives. The members of social community would not approve of the said marriage, since they belong to the same Gotra. Complainant was insisting upon his daughter not to meet the present applicant. It is alleged that present applicant used to abuse his daughter Soni and also harass her mentally. It is alleged that on

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29/05/2015, when his daughter Soni had been to purchase Pepsi from grocery shop, parents of the present applicant had obstructed her and had warned her against meeting their son i.e. present applicant. They had humiliated and abused her and hence, she had returned home in a disturbed state of mind. In the midnight, Soni had poured kerosene on herself and had immolated herself. She was taken to the hospital. Her statement was recorded which is a statement under section 32 of Indian Evidence Act. She has only stated that she was in love with present applicant and that she has set herself ablaze. She has not given the cause of her suicide.

3) Be that as it may, applicant is in custody since 16/07/2015. Prima facie, it cannot be said that applicant herein had abetted, instigated or facilitated the commission of suicide by Soni. The principal allegations are against parents of the present applicant who have been protected by way of anticipatory bail. In the said circumstances, further incarceration of the applicant would be unwarranted and hence, he deserves to be enlarged on bail. It is made clear that observations made herein above are prima facie in nature and restricted to an application under section 439 of Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the

time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to the concerned police station on every Sunday between 10.30 a.m. to 01.00 p.m. till the filing of the charge-sheet.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)