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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1312 OF 2015

- | | | |
|----|--------------------------|----------------|
| 1. | Sangita Vasant Bhoir | |
| 2. | Vaishali Govind Vange | ... Applicants |
| | Vs | |
| | The State of Maharashtra | ... Respondent |

Mr.Rajiv Patil, Senior Advocate a/w Mr.Onkar Warange, for the Applicants.

Ms.S.S.Kaushik, APP for the Respondent – State.

PSI – A. J. Waydande, Vikramgad Police Station, Palghar.

**CORAM : REVATI MOHITE DERE, J.
DATE : 03rd SEPTEMBER, 2015**

P.C. :

1. Heard learned counsel for the Applicant, learned counsel for the complainant and learned APP for the Respondent - State.

2. By this Application, the Applicants seek pre-arrest bail, in connection with C.R. No. I-72 of 2015, registered with the Vikramgad Police Station, Palghar, for the alleged offences punishable under Sections

306, 504 r/w 34 of the Indian Penal Code.

3. The applicants are neighbours of the deceased. The complaint is lodged by the one Manda M. Kuvara, mother of the deceased – Asha Kuvara. She has alleged that on 10th August, 2015 when the deceased – Asha had gone to her college, at about 11.00 a.m, the applicant No.1 came to the house of the complainant – Manda, who is the mother of the deceased and started quarreling with her. It is alleged that the applicant No.1 questioned the complainant as to why her daughter was defaming her ? At about 12.30 p.m., the deceased is stated to have returned back to home. The complainant disclosed to the deceased that the applicants were talking about her in filthy language and were questioning her character. Thereafter, it is alleged that a quarrel ensued between the applicants and the complainant and deceased – Asha. It is alleged that pursuant to the said incident at about 4.00 p.m, the deceased consumed poison and succumbed to the same on 11th August, 2015.

4. Learned Counsel for the Applicants submitted that considering the nature of allegations as against the applicants, no offence

under Section 306 is disclosed. He submitted that by no stretch of imagination can it be said that the applicants in any way abetted the commission suicide of the deceased.

5. Learned APP submitted that there is a suicide note which was left by the deceased. She submitted that the applicants were making allegations about her character and hence she committed suicide.

6. Considering the allegations as against the applicants and taking the prosecution case as it stands, prima-facie, it is doubtful whether an offence under Section 306 is disclosed. In the facts of this case, the custodial interrogation is not necessary. The suicide note of the deceased is in the custody of the police. Accordingly, the applicants are granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R.Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;
- ii) The Applicants shall attend the Vikramgad Police Station,

Palghar, on every Saturday, between 10.00 a.m. to 11.00 a.m., till the filing of the charge sheet ;

iii) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case ;

iv) The Applicants shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are prima facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.