

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 592 of 2015
[Avinash Ishwar Uke Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. A.R. Wagh, Adv., for the Applicant.
Mr. Bhoyar, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 15th September, 2015.

The applicant is facing a charge of instigating one Ku. Soniya Deshpande to commit suicide.

Heard Mr. A.R. Wagh, learned counsel for the applicant and Mr. P.V. Bhoyar, learned APP for the respondent-State.

The First Information Report is lodged by Yogesh, the father of the girl who has committed suicide. From the First Information Report, it is crystal clear that the present applicant was having a long-standing love affair with Soniya and, in fact, due to the said love affair,

physical contact was also established between them. According to First Information Report, on 5th April, 2015, Soniya tried to commit suicide when the applicant turned around on his promise of marriage, however, she survived. Thereafter, on 13th May, 2015, she ended her life. In the investigation papers, there is nothing to show that between 5th April, 2015 to 13th May, 2015, there was any act or omission on the part of the present applicant and/or any contact, whatsoever, of any nature between the deceased and the present applicant to attract the culpability against the applicant that he has instigated the deceased to commit suicide.

Though the charge-sheet is not filed in the case, the investigation papers show that the investigation is almost over and only a formality of filing a charge-sheet remains to be done.

Looking to the fact that there is no evidence to show that the present applicant has at any point of time instigated the deceased to commit suicide, further custodial presence of the applicant is not necessary. That leads me to pass the following order:-

ORDER

[a] Criminal Application [BA] No. 592 of 2015 is allowed.

[b] The applicant - Avinash Ishwar Uke be released on bail in connection with Crime No. 23/15 registered with Police Station, Desaiganj, Distt. Gadchiroli, for the offences punishable under Sections 306 and 376 of Indian Penal Code and Sections 4 and 8 of the Protection of Children from the Sexual Offences Act, 2012, on he executing a Personal Bond of Rs. 5,000/- [rupees five thousand only] with one solvent surety in the like amount.

[c] Bail before Trial Court.

Judge

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