

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.5941 OF 2016

Sheshukumar Prabhakar Rao Mendikonda ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

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Shri N.V. Gaware, Advocate for applicants
Shri V.S. Badakh, A.P.P. for respondents
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CORAM: A.S. CHANDURKAR, J.

DATED: 19th December, 2016.

ORAL ORDER :

1. Heard. The applicant apprehends arrest in connection with Crime No.I-155/2010, registered at Bhingar Camp Police Station, District Ahmednagar for offence punishable under Section 306 of the Indian Penal Code.

2. As per the First Information Report dated 25/10/2010, the daughter of informant namely Kalpana was married on 25/8/2010. As her husband was serving in the

Armed Forces, Kalpana was residing on some occasions with her parents at Ahmednagar. It is then stated that, the present applicant used to call the parents of Kalpana as well as her, and used to harass her. On 19/10/2010, said Kalpana committed suicide. On that basis, the aforesaid crime came to be registered. The applicant is arrested in August 2016.

3. It is submitted by the learned counsel for the applicant that, considering the statements made in First Information Report, it cannot be said that the applicant was guilty of any abetment on the basis of which said Kalpana committed suicide. It is submitted that, it was likely that the applicant and said Kalpana were acquainted with each other earlier, due to which the applicant was contacting her. It is then submitted that, after completing the investigation, charge sheet has been duly filed and hence, as entire material is now collected, further detention of the applicant is not warranted.

4. The application is opposed by learned A.P.P. by submitting that the offence is of serious nature. The deceased had left behind a suicide note, in which the applicant was implicated. It is further submitted that, though the offence was registered in the year 2010, the applicant was absconding when the initial charge sheet came to be filed. He, however, on

instructions, submits that the prosecution does not intend to file supplementary charge sheet. He, therefore, opposes the application.

5. I have perused the documents filed on record along with charge sheet as filed. Same indicates that, reference is made to certain call details, by which the present applicant is stated to have been in contact with the deceased. It, however, appears that, as of today the opinion of the handwriting expert in context of the said suicide note has not yet been obtained. The statements in the First Information Report prima facie do not indicate the aspect of abetment as contemplated by Section 107 of the Indian Penal Code. As it has been stated that, the prosecution does not intend to file any supplementary charge sheet as of now, by imposing certain conditions, applicant can be directed to be released on bail.

6. In view of aforesaid, the applicant who has been arrested in connection with Crime No.I-155/2010, registered at Bhingar Camp Police Station, District Ahmednagar for offence punishable under Section 306 of the Indian Penal Code, is directed to be released on bail on furnishing P.R. bond of Rs.15,000/- (Rupees fifteen thousand). The applicant shall, however, furnish two solvent sureties, one such surety shall be

from Hyderabad, Andhra Pradesh, from where the applicant hails. The second surety shall be from Ahmednagar district.

7. The applicant shall attend Bhingar Camp Police Station, Ahmednagar on the first Sunday of every month and as per directions of the investigating officer. The applicant shall not take any steps to influence the prosecution witnesses. Breach of these conditions would result in liberty of the applicant being forfeited.

8. It is made clear that the observations made in this order are only for deciding the present application. The application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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