

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 115 OF 2016

Rajaram Krishna Aaldar ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Jayant Bardeskar for the Applicant
Mr. S.H.Yadav, APP for the Respondent-State.
Mr. Vilas Bhosale, API, Shahupuri Police Station, Kolhapur present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 21, 2016.**

P.C.

1. This is an application for anticipatory bail filed by the applicant apprehending his arrest in Crime No.8 of 2016 registered with Shahupuri Police Station for offences punishable under Section 306 r/w. 34 of the Indian Penal Code.
2. The daughter of the first informant had committed suicide on 4.1.2016. The first informant Kamal Khandekar had lodged an FIR alleging that the applicant and others had abetted suicide of her

daughter. Pursuant to the said FIR, aforesaid crime has been registered. Apprehending his arrest in the crime, the aforesaid applicant had filed application for anticipatory bail before the Sessions Court, Kolhapur. The said application has been dismissed by the Addl. Sessions Judge, Kolhapur, vide order dated 13.1.2016. Hence the present application.

3. Mr. Bardeskar, the learned counsel for the applicant has submitted that there is no prima facie material to link the applicant with the alleged crime. He has submitted that the deceased was staying as paying guest with other girls and that the deceased was in friendly relation with one boy by name Omkar, and that said Omkar used to visit the deceased and disturb the other girls who are in 12th standard and are otherwise bright students. He has further stated that the applicant herein who is the father of one of the room mates of the deceased, had complained to the land lady about the deceased. He has further submitted that the family of the deceased had not accepted her relationship with the said Omkar and that she had committed suicide as she was in a disturbed state of mind.

4. The learned APP has submitted that the statement of Omkar

prima facie reveals that the applicant herein was responsible for the death of said Smita. The learned APP has further submitted that there is prima facie material to show the involvement of the applicant in the aforesaid crime and hence he should not be released on bail.

5. The records prima facie reveal that the deceased was studying at Kolhapur and was residing as a paying guest along with other girls Tejal, Trupti, Kalyani and Pallavi, in a private hostel run by one Charusheela Chavan. The records reveal that on 4.1.2016, said Smita had committed suicide and she had left a suicide note stating that her roommates Tejal, Trupti, Sheetal and their parents were making adverse comments about her relationship with Omkar. She had also alleged that the applicant herein had misbehaved with her and that had threatened to cause her death. The records prima facie reveal that the deceased was friendly with one Omkar and this relationship was not liked by her room mates. The statement of Charusheela Chavan also prima facie reveals that the applicant herein had told her not to keep the victim as a paying guest and that to shift her to any other place after talking to her father, as her behaviour was not good. The statement of said Charusheela Chavan

also reveals that the relationship between the deceased and Omkar was not liked by her father and that her father had beaten her because of the said relationship.

6. The suicide note say that the applicant had misbehaved with her. It is pertinent to note that the deceased was staying as a paying guest along with other girls. There is no prima facie material on record to indicate that the applicant had contacted the deceased while she was alone or that he had met her in the hostel while she was alone and/or had misbehaved with her. Apart from the vague statement there is nothing on record to indicate that the applicant had misbehaved with the deceased. On the contrary, as stated earlier, it appears that the applicant had informed said Charusheela Chavan not to allow the deceased in the said room because of her relationship with Omkar, and as he felt that the behaviour of the deceased was not good. In this background, the applicant cannot be declined bail on the basis of the vague statement in the suicide note. It is indeed unfortunate that a young girl has taken such drastic step. However, in the absence of any prima facie material to show that the

applicant had abetted or aided the suicide, he cannot be held responsible for the said act.

7. Under the circumstances and in view of discussion supra the application is allowed on the following terms and condition:

- i) In the event of arrest of the applicant in Crime No.8 of 2016 registered with Shahupuri Police Station, the applicant be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned Sessions Judge, Kolhapur.
- ii) The applicant shall report to the Investigating Officer for four days from 10 a.m. to 1.p.m. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.
- iii) The applicant shall not leave Kolhapur and Solapur District till filing of the chargesheet, without prior permission of the learned Sessions Judge, Kolhapur.

(ANUJA PRABHUDESSAI, J.)