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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.201 OF 2016**

Sanjay Nivrutti Donde and Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.Tushar Sonawane, for the Applicants

Mr.D.P.Adsule, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 8th MARCH, 2016***

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-117 of 2015 registered with the Igatpuri Police Station, Nashik for the alleged offences punishable under Sections 306 r/w 34 of the Indian Penal Code.
3. It is alleged by the prosecution, that the applicant's niece, studying in R.G.Sapkal Institute of Pharmacy (D.Pharm) was staying with the applicant no.1 at Nashik, for her education.

4. According to the complainant – Mr. Trimbak Nathu Bhor, the father of the deceased, the present applicants abetted the commission of the suicide of his son – deceased Anil T. Bhor. He has stated that his son, deceased Anil was in love with the applicants niece and hence the deceased was called to the applicant's no.1's house, where he was beaten and threatened. He has alleged that pursuant to the same, the deceased committed suicide by jumping into a railway lake.

5. It appears that two messages were found on WhatsApp setting out the reason for taking such a drastic set.

6. Learned Counsel for the Applicants states that no offence as alleged is disclosed as against the applicants under Section 306 of the Indian Penal Code. He submitted that the love affair was a one sided love affair and on finding that there was no possibility of going ahead the deceased committed suicide. He submitted that the allegation of assault made by the deceased is not true, as there were no signs of assault/injuries found on the body, soon after the dead body was found. He has produced the advance certificate of death, which shows the probable cause of death.

He has also produced the postmortem report of the deceased and column 17 of the postmortem report shows 'no evidence of injury marks all over the body'.

7. Learned APP submitted that the applicants have not handed over the mobile phones to the Investigating Officer.

8. Learned Counsel for the Applicants states on the instructions of the brother of the applicant, who is present in the Court, that both the applicants are ready to surrender their mobile phones and that the same will be handed over the Investigating Officer forthwith. The said statement is accepted.

9. Perused the papers. Without going into the aspect, whether the offence would be one under Section 306 of the Indian Penal Code or not, considering the peculiar facts of the case, the custodial interrogation of the applicants is not required. Accordingly, the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount ;
 - (ii) The applicants shall attend the concerned Police Station, as and when called for by the Investigating Officer, till the filing of the charge sheet;
 - (iii) The applicants shall forthwith surrender their mobile phones to the Investigating Officer;
 - (iv) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.
10. The Application is allowed in the aforesaid terms and is accordingly disposed of.
11. 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.

12. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.