

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.250 OF 2016

Avinash @ Avi Tulsi Rajput

... Applicant

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.Ganesh K. Gole for the Applicant

Ms.Alpa Javeri, APP, for Respondent – State

Mr.D.J. Patil, PSI, Madhyavarti police station – present

Mr.R.S. Pawar for Resp. No.2

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 15, 2016**

P.C.:

1. This application is moved for pre-arrest bail for the offences punishable under section 306 of the Indian Penal Code. The offence is registered by the mother of the deceased on 6.1.2016 at C.R. No.I-13 of 2016 with the Central police station, Thane. It is the case of the complainant that her daughter was in love with the applicant-accused in the year 2015. She and her family members opposed their relationship. 3 days prior to 1.10.2015, the deceased daughter was under tension and she told that she would disclose the reason afterwards. On 10.10.2015, she consumed poison and she died. After her death, on enquiry with the complainant and her family members, it was found that the deceased was having affair with the applicant-accused and he had promised her to marry

her. However, the applicant-accused was having an affair with some other girl and after the death of the deceased, he got married with some other girl in Delhi. Hence, the offence is registered against the applicant-accused.

2. The learned Counsel for the Applicant has submitted that the applicant-accused is innocent and has not committed any offence muchless the offence under section 306 of the Indian Penal Code. He therefore, prays for pre-arrest bail and is willing to abide by any terms that may be imposed by the Court.

3. The learned Prosecutor and the learned Counsel for the complainant opposed the application. The learned Counsel for the complainant has submitted that though the applicant-accused was engaged with other girl, he had promised the deceased to marry. He is responsible for her death. Hence, he is to be arrested.

4. Perused the complaint. The applicant-accused is charged under section 306 of the Indian Penal Code. It is necessary to find out whether there is abetment as defined under section 107 of the Indian Penal Code. Considering the charge levelled against the applicant, prima facie, I am of the view that the applicant-accused is entitled to pre-arrest bail and his custodial interrogation is not required.

5. In view of this, Anticipatory Bail Application is allowed on the following terms:

- i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount;
- ii) The applicant-accused shall not tamper with the evidence or pressurise the complainant or contact her or her family members in any manner;
- iii) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address;
- iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on 18th March, 2016, 1st April, 2016 and 15th April, 2016, between 6pm to 7pm.
- v) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

(MRIDULA BHATKAR, J.)