

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.549 OF 2016

Shri Kaushal Manoj Devmurari ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Amit Ghag for the Applicant
Ms.Alpa Javeri, APP, for Respondent – State
Mr.Satyavan Kadam, PSI, Mira Road police station - present

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

DATE: **MARCH 17, 2016**

P.C.:

1. This is an application for bail. The applicant-accused is prosecuted under section 306 initially and now after filing of chargesheet, under section 305 of the Indian Penal Code as the victim girl was 14 years old. The offence is registered at the instance of the maternal aunt on 21.10.2015 in C.R. No.I-364 of 2015 registered at Mira Road police station, Thane. It is the case of the prosecution that the deceased girl, who was studying in 10th standard was having an affair with the applicant-accused since April 2015. they used to chat on phone. The family members of the deceased girl had warned the applicant-accused that he should not phone her or chat with her or meet her as she was in 10th standard. However, the applicant-accused did not stop meeting her or chatting with her. It is the case of the prosecution that the applicant-

accused had thus harassed her ad 20.12.2015, at around 4.30pm, the deceased girl jumped from the 17th floor of the building and died. The applicant-accused was arrested on 21.10.2015. On the same day, the offence was registered against him. Hence, this application.

2. The learned Counsel for the Applicant submitted that there is no evidence against the applicant. Chargesheet is already filed. He is 19 years old boy and taking education.

3. Learned Prosecutor while opposing the application, submitted that the girl was a minor when she committed suicide. There was affair between the applicant-accused and the deceased.

4. Perused the FIR and the relevant papers of chargesheet. Statements of two witnesses are recorded by the police, who saw the deceased jumping from the 17th floor. The witnesses have in fact told her not to jump. There is no evidence pointed out prima facie to form an opinion that the applicant-accused has abetted the deceased to commit suicide. Hence, I grant the application on the following terms:

i) The applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.10,000/- with one or two solvent sureties in the like amount;

- ii) The applicant-accused shall not tamper with the evidence or pressurise the complainant;
- iii) The applicant-accused shall not indulge into any criminal activity and shall attend on all the Court dates;
- iv) 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.
- 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.)