

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 659 OF 2016**

PSI – R.A.Parkhe, Lonikand Police Station, Pune.

DATE : 25th APRIL, 2016

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 88 of 2016 registered with the Lonikand Police Station, Pune, for the alleged offences punishable under Sections 306 r/w 34 of the Indian Penal Code.

3. The applicant No. 1 is the father of the applicant No. 2. There was a love affair between applicant No. 2 and the daughter of the deceased. It appears that the deceased was against the said affair. According to the prosecution, applicant No. 2 would visit their Society and had disclosed to all including the watchman that he was going to get married to the daughter of the deceased. It is alleged by the prosecution that the deceased was upset over the same and the fact that the family's name was being defamed. It is alleged that one month prior to the incident, the applicant No. 1 met the deceased and there was a verbal altercation between the two. In the altercation, the applicant No. 1 is alleged to have disclosed to the deceased that his son Shubham i.e. applicant No. 2 should not be harmed and if he was harmed, he would not spare the deceased. It is alleged that as a result of the said threat, the deceased was under tension and was worried that the family would be defamed in the society. The said incident between the applicant No. 1 and the deceased is alleged to have taken place on 6th March, 2016. On 15th March, 2016, the deceased is stated to have gone to a lodge where he committed suicide. It is stated that he had written the words “*भागवत जबाबदार*”, on his palm, pursuant to which the aforesaid complaint was lodged.

4. Learned A.P.P has produced the statement of the watchman to show that the applicant No.2 would visit the Society and would express his love and had disclosed that he was going to get married to the daughter of the deceased. Learned APP submitted that as a result of the altercation and threatening given by the applicant No.1, the deceased was under tension, as a result of which he committed suicide.

5. Perused the papers in particular the statement of the daughter of the deceased. It appears that there was a love affair between the daughter of the deceased and the applicant No.2 and that they wanted to get married. It also appears that the said affair was being opposed by the deceased. The quarrel had taken place much prior to the alleged act of suicide. Prima-facie, it is doubtful whether an offence under Section 306 is made out in the facts of the present case, only because “*भागवत जबाबदार*” was written on the palm of the deceased.

6. Considering the facts of the case, the application is allowed and the applicants are granted anticipatory 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.10,000/- each, with one or two sureties in the like amount ;
 - (ii) The applicants shall attend the concerned Police Station on every Saturday, between 10.00 a.m. to 12.00 noon, till the filing of the charge sheet.
7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. 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.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.