

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

ANTICIPATORY BAIL APPLICATION NO. 997 OF 2016

Manisha Yashwant Hadal ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

WITH

ANTICIPATORY BAIL APPLICATION NO. 970 OF 2016

Gaurav Bhagwan Kumbhkarna ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Kuldeep S. Patil, Advocate, i/by Heena P. Survankar,
Advocate for the Applicant in ABA No. 997 of 2016.

Mr. Kildeep S.Patil, Advocate for the Applicant in ABA No. 970
of 2016.

Mr. Deepak Thakarey, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 28th JUNE, 2016

P.C. :

1 Both applicants/accused in Crime No. 87 of 2016 registered with the Kalmboli Police Station, Tal. Panvel, Dist. Raigad for the offences punishable under section 306 r/w. 34 of the Indian Penal Code, by their respective applications

under section 438 of the Criminal Procedure Code, are praying for pre-arrest bail.

2 Heard the learned counsel appearing for Applicants / accused as well as the learned APP for the State in both these applications. Perused the papers of investigation and the FIR.

3 One Chandrakant Wajashingda died suicidal death on 04.05.2016 by hanging himself in-front of the room of applicant-Manisha. According to the prosecution case, applicant-Manisha and deceased Chandrakant were in love. Subsequently, applicant-Manisha who is employed in the police department, developed love relations with Gaurav Kumbhkarna, an another employee of the police department. It appears that because of this, deceased Chandrakant indulged in his self effacement. According to the prosecution case, at the time of commission of suicide, the deceased wrote a note to the effect that both applicants i.e. Manisha and Gaurav have committed his murder.

4 Suicide committed by Chandrakant appears to be because of the failure in his love affair with applicant-Manisha. Suicide committed by the deceased as such does not appear to be a normal human conduct and natural result of the behaviour of a human. There does not appear to be any instigation, provocation or incitement by the applicant to abet the deceased

to commit suicide. As such custodial interrogation of both the applicants is not warranted. Hence, the following order :-

ORDER

- i. Both the applications are allowed.
- ii. In the event of their arrest, both applicants/accused in Crime No. 87 of 2016 registered with the Kalmboli Police Station, Tal. Panvel, Dist. Raigad for the offences punishable under section 306 r/w. 34 of the Indian Penal Code, be released on bail on executing PR bond of Rs.5000/- each and on furnishing surety in the like amount by each of them.
- iii. As a condition of this order, applicants should attend the concerned police station as and when reasonably called.
- iv. In addition, the Applicants/accused are directed that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade such person from disclosing such facts either to the Court or to any police

officer and that applicants shall not tamper with the prosecution evidence in any manner.

- v. The applicants should co-operate the trial court in expeditious disposal of the trial, in the event of filing of charge-sheet.
- vi. The applicants should not commit offence of similar nature in future.

(A. M. BADAR, J.)

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