

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1924 OF 2015**

Mangesh Kashinath Battase

..Applicant

v/s.

The State of Maharashtra.

..Respondent

Mr. Aniket U. Nikam for the applicant.

Mr. D. P. Adsul, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : JANUARY 19, 2016.

P.C.

. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in C.R.No.523/2015 registered with Panchavati Police Station, District Nashik, for the offences punishable under Section 306 of Indian Penal Code.

2. Heard learned Counsel for the applicant, and the learned APP for the State.

3. The case of the prosecution in brief is that the applicant was in love with the deceased and that the deceased had committed suicide since the applicant No.1 had refused to marry her.

4. Mr. Nikam, learned counsel for the applicant has submitted that the allegations levelled against the applicant do not disclose offence under section 306 of the IPC and that the applicant is entitled for bail.

5. Mr. Adsul, Learned APP has submitted that the applicant and the deceased had made several phone calls to each other. Learned APP submits that the presence of the applicant is required for recovering cell phone of the applicant.

6. A perusal of the FIR lodged by Jaya, sister of the deceased prima facie reveals that the applicant and the deceased were in love relations. FIR further reveals that on 27/11/2015 the deceased had committed suicide. The deceased had left a suicide note wherein she has stated that the applicant was in love with her and that he had refused to marry her. The allegations made in the FIR prima facie do not indicate that the applicant had committed any act envisaged under section 107 of the IPC. Hence prima facie there are no reasonable grounds to believe that the applicant is involved in committing offence under section 306 of the IPC.

7. It is pertinent to note that subsequent to registration of the

FIR provisions of section 3(ii)(v) of Atrocities Act are made applicable. It is however to be noted that the FIR does not disclose the essential ingredients of the offence under the said Act and hence prima facie there is no material to link the applicant with the said crime. The applicant is a permanent resident of Taluka Surgana and there is no possibility of the applicant absconding. There are no criminal antecedents.

8. Considering the above aspects, the applicant is entitled for bail. Hence, the anticipatory bail application is granted on the following terms.

i) In the event of the arrest of the applicant in Crime No.C.R.No.523/2015 registered with Panchavati Police Station, District Nashik, the applicant be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount, to the satisfaction of the learned Sessions Judge, Nasik.

ii) The applicant shall report to the Investigating Officer, initially for a period of 4 days from 10 a.m. to 1 p.m., and thereafter as and when required by the Investigating Officer for the purpose of interrogation.

(ANUJA PRABHUDESSAI, J.)