

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
AURANGABAD BENCH, AT AURANGABAD.**

**Criminal Application No. 01220 of 2017**

|                  |
|------------------|
| District : Latur |
|------------------|

Sandeep s/o. Balajirao Dodke,  
Age : 24 years,  
Occupation : Nil - Education,  
Studying in B.Sc. 3rd year,  
R/o. Bopani, Taluka Deoni, .. Applicant  
District Latur. (Original accused)

**versus**

The State of Maharashtra,  
Through Police Station,  
Deoni, Taluka Deoni,  
District Latur. .. Non-applicant.

.....

*Mr. Gopal D. Kale, Advocate, for the applicant.*

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for the  
non-applicant.*

.....

**CORAM : T.V. NALAWADE, J.**

**DATE : 20TH MARCH 2017**

**ORAL ORDER :**

By the present application, the applicant is seeking pre-arrest bail in connection with Crime No. 21/2017, registered with Deoni Police Station, District Latur, for offences punishable under Sections 354, 306 and 506 of the Indian Penal Code.

02. Both the sides are heard.

03. Papers of investigation are made available by the learned Addl. Public Prosecutor for perusal of this Court.

04. The crime is registered on the basis of report given by Shridhar s/o. Baliram Jawaldapke, father of deceased Rupali. The deceased was aged about 18 years. Her marriage was settled with a boy. A grievance was expressed by the deceased to her father and others, that the present applicant was teasing her. He was intercepting her when she was proceeding to college and was showing courage to approach at her residential place. It appears that the present applicant had even tried to contact the boy on mobile phone with whom her marriage was settled.

05. Learned Advocate for the applicant submitted that Sim Card shown to be used is not in the name of the present applicant. This submission cannot be accepted at this stage, as the person of whom the applicant was using the mobile phone can be traced and during investigation, statement of the person in whose name Sim Card was registered, can be recorded. It appears that due to conduct of the present applicant, some responsible persons of the village were called and attempt was made to convince the applicant that he should behave properly. Though the applicant promised that he would behave properly, he did not improve his conduct and continued to harass

the deceased. There is allegation that the present applicant had given threat to the boy with whom marriage of the deceased was settled, that he would finish him and ultimately the deceased committed suicide on 23.01.2017 by hanging herself at her residential place. The report was given on the same day and the crime came to be registered for the aforesaid offences.

06. Learned Advocate for the applicant submitted that the provisions of Section 107 of the IPC cannot be used against the applicant as the abetment cannot be inferred against the applicant. This submission is not at all acceptable. The conduct of the present applicant virtually compelled the deceased to take drastic step of committing suicide and, therefore, prima facie abetment can be inferred from his conduct. The girl aged about 18 years committed suicide due to aforesaid conduct of the applicant.

07. Grant of relief of pre-arrest bail is a discretion to be exercised in exceptional cases. Such discretion cannot be exercised in favour of a person like the present applicant. One innocent girl has lost her life and fear needs to be created in the mind of criminals, that the Court will not take lenient view and will not use discretionary power in favour of them, if they behave like the applicant. This Court holds that the custodial interrogation of the present applicant is necessary for effective investigation.

08. In the result, the Application is rejected.

09. Needless to mention, that the observations in this order are prima facie in nature, which shall have no bearing on trial of the case.

( T.V. Nalawade )  
JUDGE

.....