

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

ANTICIPATORY BAIL APPLICATION NO.119 OF 2017

Priyanka Prakash Moholkar ... Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.P.G. Sarda i/b S.T. Zalte for the Applicant
Mr.Rajan Salvi, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 23, 2017

P.C. :

1. The application is filed for pre-arrest bail as the applicant/accused is facing charges under section 306 of the Indian Penal Code in C.R. No.296 of 2016 registered with Umbraj Police Station, Dist.Satara. One Sagar Bhanudas Chothe, cousin of the deceased, Suraj Ramdas Chothe, gave complaint to the police on 11.11.2016. His cousin Suraj was in love with the applicant/accused. Both of them studied together and after completion of her education, the deceased got the applicant/accused employed in a company. He realised that the applicant/accused gradually got involved with some other boy which the deceased did not like. He tried to convince her.

However, she did not listen to him and in the quarrel, as per the case of the prosecution, she refused to marry him and told him to go and die and it would not make any difference to her. Thereafter, on 1.11.2016, he consumed some pesticide and put an end to his life outside the house of the applicant/accused. After 10 days, this offence was registered.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused has not committed any offence muchless the offence of abettment to commit suicide.

3. Learned Prosecutor has opposed the application. He relied on the statement of the witnesses. He also relied on the suicide note of the deceased.

4. Perused the complaint, suicide note as also the postmortem notes. The postmortem notes show that the opinion and viscera of the deceased are reserved. However, it shows that as per police report, he died due to consumption of some poisonous substance and no injuries were found on his body. The suicide note discloses that both were in love with each other. Thereafter, she withdrew from the relationship and was not interested in him. He persuaded

her but she did not accept his love and therefore, finally he committed suicide outside her house. The prosecution has relied on statement of Mangala Chote, the mother of the deceased boy wherein she has stated that the deceased had told her that the applicant/accused told him that she is in relationship with some other boy and, therefore, she has stopped the relations and told him to forget her. She did not want to marry him and therefore, asked him to go and die.

5. Prima facie, the material before the Court does not show abettment. The words mentioned in Mangala's statement were uttered 10 to 12 days prior to the incident. Hence, Anticipatory Bail Application is granted on the following terms and conditions:

- a) In the event of arrest, 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;
- b) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station as and when called.

c) The applicant-accused shall not tamper with the evidence or pressurise the complainant;

6. Anticipatory Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)