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

ANTICIPATORY BAIL APPLICATION NO.682 OF 2017

Anna Bandu Palkar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.K.S.Patil, for the Applicant

Mr.S.S.Hulke, A.P.P for the Respondent-State

API – A.D.Madke, Kamothe Police Station, Raigad.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.28 of 2017 registered with the Kamothe Police Station, Navi Mumbai, for the alleged offences punishable under Sections 306, 417 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant and his son – Milan Anna Palkar have been arraigned as accused in the aforesaid C.R. According to the prosecution, Milan Palkar was having an affair with deceased – Megha, prior to marriage, however, she was married to one Sandip Patil on 16th February, 2009. As there was a matrimonial dispute between deceased – Megha and her husband – Sandip, a meeting was arranged in the presence of the relatives. In the said meeting, it was agreed that Megha would divorce her husband – Sandip. Deceased – Megha thereafter obtained divorce and decided to marry Milan i.e. applicant's son. During the said period when deceased – Megha and Milan were going around, deceased – Megha is stated to have paid a sum of Rs.6 lakhs from time to time to Milan. The applicant's son - Milan is also stated to have taken gold ornaments from deceased - Megha. Thereafter, Milan started avoiding Megha. Megha learnt that Milan was having an affair with one lady by the name, Deepika and hence she decided not to marry Milan. It is alleged that when deceased – Megha tried to get her cash and gold ornaments back from Milan, he failed to return the same. The present applicant i.e. Milan's father is stated to have issued a cheque of Rs.4 lacs in favour of deceased – Megha, however the said cheque was

dishonored. Thereafter, Megha's parents settled her marriage with one Umesh Vartak. The date of marriage was fixed on 2nd February, 2017, however, Megha committed suicide in her parent's house on 31st January, 2017. It is alleged that deceased - Megha was fed up with the applicant's son - Milan and the applicant, as the accused refused to return her money and ornaments and due to dishonor of the cheque and hence committed suicide.

4. Learned APP has produced the suicide note of the deceased. In the said suicide note deceased has made references to certain persons and has given reason for committing suicide. There is reference even to the name of the applicant wherein she has stated that a sum of Rs.6 lakhs and ornaments should be taken from the applicant, however, at the end of the said suicide note she has stated, that she was committing suicide on her own accord and that no one was responsible for the same, however, Milan should be punished.

5. Considering the nature of allegations made against the applicant and after a perusal of the suicide note, custodial interrogation of

the applicant is not necessary. Accordingly the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station every Monday, between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet ;
- (iii) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.
- (iv) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the

Investigating Officer of the concerned Police Station, in writing;

(v) The Applicant shall co-operate with the Investigating Agency.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.