

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

CRI. ANTICIPATORY BAIL APPLICATION NO.1023 OF 2017

Manoj Bhairam Yadav	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr.V.V. Purwant, Advocate for the Applicant.
Mr.Amit Palkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 22, 2017.

P.C. :

This is an application for anticipatory bail in connection with C.R. No.I-33 of 2017 registered with Shrinagar Police Station, Thane. The offences were registered under Section 498-A, 323, 306, 504 and 506 read with Section 34 of the IPC. FIR was registered on 8th March, 2017.

2 The prosecution case is that the deceased got married to the applicant in the year 2005. She co-habited with her husband and there are two children out of the said wedlock. The applicant accused was ill-treating the victim and demanding money from her. It is further alleged that on 28th February, 2017,

the sister of the complainant had informed her that the victim is not keeping well and she should speak to her. It was also informed that she did not had food since last four days. The complainant, therefore, gave a call to the applicant, who informed that the victim had ran away from the house with gold ornaments. The complainant questioned him as to how after a period of 15 years from the marriage, she would run away from the house with the gold ornaments. On 1st March, 2017, the complainant gave a call to the applicant who informed that at about 9.00 a.m. there was a train for Alahabad and if she intends to go Alahabad, she would be available at railway station. Thereafter, at about 10.00 a.m. the sister-in-law of the victim gave a call to the complainant and informed that the victim had met with an accident at the railway station and she had died. Therefore, the complainant and others proceeded to the place of the incidence. The First Information Report came to be registered.

3 During the investigation, it was revealed that the victim had jumped infront of the train and had committed suicide. The statement of the vendor who is the eye witness to the incident was recorded. The investigating authority also recorded the statement of the relatives of the deceased wherein they have referred to the harassmt caused by the applicant. It is also

revealed that the incident had occurred on a railway track which is about 500 meters away from the railway station. It is, therefore, the case of the prosecution that it is a case of suicide and not accident.

4 Learned advocate for the applicant submitted that the marriage between the applicant and the victim was solemnized 15 years ago and they have co-habited together. There was no question of harassment at such a belated stage. It is further submitted that there could be no other reason for the victim to commit suicide. Learned advocate for the applicant submitted that there is no evidence to substantiate the charge of abetment to commit suicide and, therefore, the applicant may be released on anticipatory bail.

5 Considering the investigation conducted by the police and the material collected during the investigation, statements of witnesses and the statement of vendor/eye witness who had seen the victim while committing suicide, the investigation is required to be conducted thoroughly. The custodial interrogation of the applicant is, therefore, necessary.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.1023 of 2017 is rejected.
- (ii) It is clarified that the observations made in the order are only for considering the application for anticipatory bail and the trial Court or any other Court should not be influenced by the same.

(PRAKASH D. NAIK, J.)