

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1055 OF 2017

Satish Magan Shinde .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

CRIMINAL APPLICATION NO.605 OF 2017

(For Intervention)

IN

ANTICIPATORY BAIL APPLICATION NO.1055 OF 2017

Bhanudas Bhimrao Bhujbal .Intervenor

IN THE MATTER BETWEEN

Satish Magan Shinde .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Heena Suvarnakar i/b. Mr.P.S.Hagare,
Advocate, for the Applicant

Mr.S.S.Hulke, APP, for the Respondent – State

Mr.R.A.Zade, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 12.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 143 of 2017 registered with the Walchandnagar Police Station, Indapur, Pune, for the alleged offences punishable under Sections 306 and 506 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the said case. He submitted that infact, the applicant and the deceased were in love with each other and that as the deceased's parents were unhappy with the relationship, they had locked her in the house and had assaulted and abused her. He submits that in fact, because of the said harassment, the deceased committed suicide, and not because of the alleged harassment of the applicant. Learned Counsel also relied on certain SMSs sent by the deceased to the applicant from her father's mobile.

4. Learned APP opposes the Application. Learned counsel for the Intervenor also opposes the Application. He submitted that as the Applicant was continuously calling the deceased, she committed suicide. He submits that because of the harassment, the deceased was admitted to the hospital on 19th & 20th April, 2017, for treatment.

5. Perused the papers. According to the Complainant, in February, 2017, his daughter was found talking on her mobile. When questioned as to whose mobile was she talking on, and to whom, his daughter replied that she was in love with the Applicant and that he had given her the mobile. He has alleged that he told his daughter that it was not her age (17 years) and explained to her that she should not get in touch with the Applicant. He has alleged that thereafter, his daughter started avoiding the Applicant. In April, 2017, the Complainant's daughter

allegedly disclosed to him, that the Applicant was continuously calling her and asking her to speak on the mobile. The Applicant is also alleged to have professed his love for her. He disclosed that he had also recorded some of the conversation. It appears that the Complainant's daughter was admitted in Chaitanya Hospital, Baramati for two days. The Doctor, who examined the Complainant's daughter had opined that she was suffering from Anxiety disorder and was accordingly treated with Anxiolytic medicine. It appears from the said Certificate that the Complainant's daughter was admitted on 19.04.2017 and was discharged on 20.04.2017. According to the Complainant, the Doctor had asked him to show her to a Psychiatrist. It appears that thereafter, the Complainant's daughter disclosed that the Applicant was again calling her. It is Complainant's case, that being fed up with the calls, his daughter committed suicide, in the house by hanging

herself, on 08.05.2017. The Applicant's mobile has been seized. A perusal of the indoor case papers shows that when the Complainant's daughter was admitted in the hospital, history given was "family dispute" and that she was having choking spells, breath holding. Whether or not an offence punishable under Section 306 of the IPC is disclosed, is a matter which will be decided by the trial Court.

6. In the peculiar facts of this case, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer till the filing of the charge-sheet or for a period of three months whichever is earlier;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

8. In view of disposal of the Application, the Intervention Application, being Cri.Appln.No.605 of 2017 does not survive and the same stands disposed of accordingly.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court

shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)