

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 1075 OF 2017

Kartik Kannan Iyer .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr.Niranjan Mundargi i/b. Mr.A.N. Shaikh, Advocate for the Applicant.

Mr.Arfa Sait, APP for the Respondent – State.

P.I. Mr.A.R. Rajane, Oshiwara Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 28, 2017.

P.C. :

This is an application for anticipatory bail in connection with C.R. No.119 of 2017, registered Oshiwara Police Station, Mumbai for the offence punishable under Section 306 read with 34 of IPC.

2 The prosecution case is that the applicant and the victim were acquainted with each other. There was an affair between the applicant and the victim. The applicant pretended that he is working in the bank and promised to marry the victim. Both of them had physical relationship. Subsequently, the victim

had introduced the applicant to her mother and both of them had stated that they are in love and intend to marry. The applicant had approached the victim from time to time. They had visited several places. There used to be quarrel between both of them. It is also stated in the FIR that even the applicant had sustained injury to his head at one point of time at the instance of the victim. It is alleged that the victim was pregnant on three occasions and she got aborted. The applicant had promised to marry her. However, he was avoiding the marriage. On 2nd April, 2017, she committed suicide by hanging herself. Suicide note was made in the diary stating that the applicant is responsible for her death. It is stated that the applicant had promised the victim that he will marry her, but, he is avoiding the same. It was also mentioned that the applicant was avoiding the marriage and was having an affair with other girls. It is also stated that on account of the affair with the applicant, she was pregnant and at the instance of the applicant she had aborted. She was under impression that the applicant would marry her but he was avoiding the marriage.

3 Learned advocate for the applicant submits that there is no evidence that the applicant had abetted the victim to

commit suicide. The applicant has made the victim as nominee in his bank account. It is submitted that the victim was short tampered and at earlier point of time, she had tried to commit suicide. Only on the basis of the suicide note it cannot be inferred that the applicant had compelled her to commit suicide. He is willing to co-operate with the investigation. Learned APP submitted that the investigating authority has recorded the statement of witnesses which shows the complicity of the applicant in the crime. He pointed out the suicide note written by the victim which is referred to hereinabove. He submitted that the victim was pregnant and had aborted at the earlier point of time. The applicant accused had promised the victim that he will marry her but he did not fulfill the promise. In the circumstances, she was compelled to commit suicide. He also pointed out the call record which shows that there was close relationship between the applicant and the deceased. He, therefore, submits that the application needs to be rejected.

4 Perused the FIR and the investigation papers produced by learned APP. The suicide note clearly implicate the applicant as a person who is responsible for the death of the victim. It is stated in the said suicide note that she was having an

affair with the applicant and at the earlier point of time she had aborted. The statement of the witnesses recorded by the investigating officer also implicates the applicant. These aspects requires interrogation of the applicant in custody and hence, I am not inclined to grant this application.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application is rejected.

(PRAKASH D. NAIK, J.)