

Anand

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

**ANTICIPATORY BAIL APPLICATION NO.1233 OF 2017**

Manish Pradeep Dhumal

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.A.A.Badar, Advocate, for the Applicant

Mr.Rajan Salvi, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 18.07.2017**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.218 of 2017 registered with the Kothrud Police Station, Pune, for the alleged offence punishable under Section 306 r/w 34 of the Indian Penal Code (for short 'IPC').

3. Learned counsel for the Applicant submits that taking the prosecution case as it stands, no offence under Section 306 of the Indian Penal Code is disclosed qua the Applicant. He submits that co-accused, being a minor has been enlarged on bail. He further submits that the

deceased – Pratik Kachare aged 20 years committed suicide by hanging himself with a dupatta and that a suicide note was found on Pratik's person. In the said suicide note, Pratik has written that he had an affair with a girl and that she had deceived him. He has stated that the said girl had promised to marry him and thereafter, left him. He has stated that he could not live without her. He has further stated that the said girl had started threatening him, that she would go to the police and inform whatever had happened between them and that the same was without her consent. He has further stated that the said girl had informed others that the Applicant was harassing her, pursuant to which, the Applicant had threatened Pratik (deceased), with dire consequences.

4. Learned APP opposes the Application.

5. Perused the papers, in particular, the suicide note of deceased Pratik. It appears that Pratik committed suicide essentially because of the love affair with co-accused, a juvenile girl. The incident is no doubt unfortunate. However, in the facts, the only allegation against the Applicant is, that he threatened Pratik (deceased), with dire consequences i. e. he should not be seen in the locality. Prima facie, it is doubtful whether an offence punishable under Section 306 of the IPC is

disclosed qua the Applicant.

6. Considering the aforesaid, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

**ORDER**

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.10,000/-** 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;

(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;

(iv) The Applicant to cooperate with the conduct of the trial.

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

8. 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.)**