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

ANTICIPATORY BAIL APPLICATION NO.1540 OF 2017

Mayawati Olya Vasave	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.Rajendra Narvankar, for the Applicant.

Ms.Anamika Malhotra, A.P.P for the Respondent-State.

API - A.V.Salunkhe, Tarapur Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.0043 of 2017 registered with the Tarapur Police Station, Palghar for the alleged offence punishable under Section 306 of the Indian Penal Code.

3. Perused the papers. The applicant is the wife of deceased – Gopal Padv. The complainant is the step brother of deceased – Gopal. Deceased – Gopal was married to the applicant in 2012 and the couple was blessed with a son, aged 3 years. The applicant is a police constable. Deceased-Gopal was running a medical shop at Boisar. According to the complainant, there were frequent quarrels between the applicant and the deceased, as the applicant was having illicit relations with some police person. It is alleged that on 4th August, 2017 at about 11.00 a.m., the applicant alongwith her father and brother went to the medical shop of the deceased – Gopal, assaulted him and threw the medicines from the refrigerator. It is alleged that the fridge was loaded in a tempo and was taken with them. It is alleged that due to the said action of the applicant and her family, deceased – Gopal went in a state of shock and informed the incident to his step brother i.e. the complainant. It appears that pursuant thereto, Gopal consumed poison. Gopal was taken to the Tarapur Government Hospital and thereafter shifted to Tunga Hospital, Boisar, for further treatment, however, he was declared dead. According to the complainant, the applicant was having illicit relations with some other police person and as the applicant had forcible taken the refrigerator from

the deceased – Gopal's shop, Gopal had committed suicide. *Prima facie*, it is doubtful whether an offence under Section 306 of the Indian Penal Code is disclosed in the facts of the present case.

4. Be that as it may, 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 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.20,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 13th and 14th September, 2017, between 11.00 to 12.00 noon and thereafter as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;

(iii) The applicant shall not contact the complainant, witnesses or

any person concerned with the case.

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

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

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

(REVATI MOHITE DERE, J.)