

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2482 OF 2017

Arjun Prasad Jitendra Saav & Anr. ... **Applicants**

V/s.

The State of Maharashtra ... **Respondent**

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Ms.Mallika A. Ingale, Advocate for the Applicants.

Ms.Anamika Malhotra, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 7th DECEMBER 2017.

P.C. :

1 Both applicants, who are accused in Crime No.I-267 of 2017 for offences punishable under Section 306 read with 34 of the Indian Penal Code registered with Charkop Police Station, by this application, are seeking their release on bail after filing of the charge-sheet.

2 Heard the learned Advocate appearing for applicants/accused as well as the learned Additional Public Prosecutor for the respondent/State.

3 The learned Additional Public Prosecutor opposed the application by contending that few months prior to incident of commission of suicide by Sanchita Wagh, Crime No.189 of 2017 was registered against the present applicants at the instance of the deceased for offences punishable under Section 354-D, 509, 504 and 506 of the Indian Penal Code. According to the learned Additional Public Prosecutor, the applicant had sent obscene messages and photographs to the deceased thereby abetting her to commit suicide.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet.

5 The FIR of the subject crime is lodged by Suresh Wagh – father of deceased Sanchita. She committed suicide by hanging herself to the ceiling of her house on 14/06/2017. Deceased Sanchita has left behind a suicide note, wherein she has not pointed accusing finger on anybody. She has stated that she is fed up with life and many people are having trouble from her and, therefore, she has indulged self-effacement.

6 Investigation of the crime in question is over and the charge-sheet has been filed. Considering the nature of offence, as well as nature of evidence against both applicants, I see no reason to deny bail to them.

- (i) The application is allowed.
- (ii) Both applicants/accused in Crime No.I-267 of 2016 for offence punishable under Section 306 read with 34 of the Indian Penal Code registered with Charkop Police Station are directed to be released on bail on their executing P. R. Bond in the sum of Rs.15,000/- each and on furnishing surety in the like amount by each of them.
- (iii) As a condition of this Order, applicants should not tamper with the prosecution evidence.
- (iv) Both applicants/accused should not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to the Police Officer.

(A.M.BADAR J.)