

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

**ANTICIPATORY BAIL APPLICATION NO.2199 OF 2017**

Jyoti Shrimant Wadmare

..Applicant

vs.

The State of Maharashtra

...Respondent

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Ms.Yogita Kuveskar i/b Mr. Priyal G. Sarda for the Applicant.

Mr.Vinod Chate, APP for the Respondent .

Mr. Hanmant Padalkar, PSI, Lonikand Police Station.

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**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATE : 19<sup>th</sup> December, 2017**

**P.C.:**

. Heard. This is an application under section 438 of Cr.P.C. The Applicant herein is apprehending her arrest in Crime No.677/2017 registered at Lonikand Police Station for the offences punishable under sections 306, 506 read with 34 of Indian Penal Code.

2. It is the case of prosecution that on 30/7/2017 Swapnil Balaso Walke had committed suicide by jumping in front of the train at Lonikand Railway Station.

3. On 1/8/2017 the brother of Swapnil viz. Sagar Balaso Walke lodged report at the Police Station that in the year 2016 brother Swapnil had informed him that he was in love with the present Applicant since 2 years. That she keeps demanding money from him and that he had already given her Rs.1,50,000/-. Swapnil had also informed his brother that the Applicant had threatened him that she would lodge a report on the basis of which a cognizable offence would be registered. The members of the family of both the sides had convinced the Applicant that she would not register

any offence. The Applicant had agreed to restrain herself from filing a complaint subject to a condition that they would pay her Rs.3 Lakhs. The members of the family of the Complainant had agreed to extend the said amount. In fact members of the family of both the sides had agreed to perform marriage but, the Applicant continued to demand money from Swapnil and he was under tremendous tension. It is alleged by the Complainant that he had convinced the Applicant that his brother Swapnil would marry her, despite it appears that she had taken recourse of filing complaint against Swapnil , on the basis of which Crime No.602/2017 was registered against Swapnil for the offence punishable under section 376(1), 323, 384, 504 and 506 of IPC and under section 3(10) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. The said offence was registered on 30/7/2013 at 2.23 p.m. that is the time when members of the family of Swapnil had approached an Advocate and Swapnil had purportedly given a notice for registration of marriage with the Applicant.

4. Upon perusal of records and proceedings it appears that on 30/7/2017 Swapnil was disturbed by the fact that offence under section 376 was lodged against him.

5. Mr.Chate, Learned APP submits that since the deceased was being prosecuted under section 376 of IPC, he had committed suicide.

6. Ms.Kuveskar, learned counsel for the Applicant submits that the Applicant had lodged report against Swapnil. However it cannot be said that she had committed an offence punishable under section 306 of IPC. As against this learned APP submits that the Applicant has filed a false complaint against Swapnil and that is the reason why the deceased was constrained to commit suicide. It is also submitted that the Applicant is also involved in the offence of extortion and has taken undue advantage of her

belonging to Scheduled Caste and Tribe and therefore the Applicant does not deserve to be granted pre-arrest bail.

7. In the facts of the case it can be seen that the FIR is not filed against the Applicant for the offence of extortion. At this stage it cannot be prima facie said that the Applicant has abetted, instigated or facilitated the commission of suicide. The relations between the parties were not known. However, the fact that the Applicant has taken undue advantage of the position of her sister being in police department is a matter of fact. In the facts of the case custodial interrogation is unwarranted.

8. The observations made hereinabove are prima facie in nature and shall not be considered for quashing of FIR, discharge application or at the time of trial as they are restricted only to the application under section 438 of the Code of Criminal Procedure. Hence, the order:

#### **ORDER**

1. In the event of arrest, Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

2. The Applicant shall report to Lonikand Police Station, Pune on every Wednesday and Sunday between 10.30 a.m. and 12.00 noon till 30/3/2018. The Applicant shall not visit Pune except for the purpose of attending the Police Station.

3. The Applicant shall report to Bid City Police Station every day between 10.30 a.m. and 12.00 noon till 30/1/2018 except the days when she has to attend the Police Station at Pune.

Application is allowed in the above terms and stands disposed of.

**(SADHANA S. JADHAV, J.)**