

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 486 of 2018.

WITH

CR. APPLICATION No. 405 of 2018

Suraj Arun Dhaygude and Ors

..Applicants.

Vs

State of Maharashtra

..Respondent.

Mr. Rahul R. Dhaygude Applicants.

Mr. S.R. Agarkar, APP for the State.

Mr. S.S. Waykar, P.S.I., Malshiras P.S. present.

Mr. Prabhakar Jadhav for the Intervener.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATE : 16th OCTOBER, 2018

P.C:-

1) This is an application under Section 438 of Criminal Procedure Code, filed by the aforesaid applicants, apprehending their arrest in C.R.No. 71 of 2018 registered at Malshiras Police Station, District Solapur, for offences punishable under sections 498-A, 306, 504, 506 read with section 34 of the Indian Penal Code.

2) Heard Mr. Dhaygude, learned counsel for the applicants, Mr. Jadhav learned counsel for the intervener and Mr Agarkar, learned APP for the State. Perused the records and considered the submissions advanced by the learned counsel for the

respective parties.

3) The aforesaid crime was registered pursuant to the first information report lodged by Sambhaji Dada Bokfode, who is father of the deceased Sangita. Applicant No.1 was married to Sangita on 17/4/2017. On 24/1/2018 said Sangita attempted to commit suicide by hanging. She was taken to the hospital, where she died on 28/2/2018. The father of deceased Sangita lodged the first information report on 1/3/2018 alleging that the applicant No.1 and his family members illtreated and subjected Sangita to cruelty on flimsy grounds. The first informant claims that the applicants had driven Sangita to commit suicide.

4) The record prima facie reveals that there was matrimonial discord between applicant No.1 and his wife Sangita. On 2/1/2018 the parents of Sangita had taken her to their house at Malshiras. She had committed suicide on 24/1/2018 at her parental house. The applicants were not in contact with Sangita from 2/1/2018, till the date she committed suicide. The records reveal that the applicants were granted interim bail on 13/3/2018. The learned APP submits that the applicants have already reported to the Investigating Officer and that they have been interrogated and their presence is no longer required for

the purpose of interrogation or investigation. The applicants are permanent residents of District Solapur and there is no possibility of their absconding. They have no criminal antecedents.

5) Considering the above facts and circumstances, the applicants are granted pre-arrest bail on the following terms and conditions :-

- (i) Application is allowed.
- (ii) In the event of arrest of the applicants in Crime No. 71 of 2018 registered with Malshiras Police Station, District Solapur, they shall be enlarged on bail on furnishing bail bonds of Rs. 25,000/- each with one or two sureties each in the like amount.
- (iii) The applicants shall furnish their permanent and temporary addresses, if any, and their contact details to the Investigation Officer.
- (iv) The applicants shall not change their residential addresses, without prior intimation to the Investigation Officer.
- (v) The applicants shall not interfere with the

complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

- 6) Application stands disposed of in the aforesaid terms.
- 7) In view of disposal of ABA/486/2018, Cr.Appln.No. 405/2018 filed by the intervener/complainant is disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)