

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

ANTICIPATORY BAIL APPLICATION NO. 1990 OF 2018

Siddeshwar Tatyaba Waghmode ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Kuldeep Patil i/b. Mr. Prashant Patil for the Applicant.

Mrs. J.S.Lohokare, APP for the State.

Mr. Sachin Pralhad Bhosale, Police Naik, Phaltan Police Stn., present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 27, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.309 of 2018 registered with Phaltan Gramin Police Station for the offences under Section 306, 498A, 323, 504, 506 of IPC.

2. Heard Mr. Patil, the learned Counsel for the applicant and Mrs. Lohokare, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The applicant was married to Ambika in the year 2014. They have two children aged about 12 years and 10 years respectively from the said wedlock. The applicant is working in the police department as police constable and was posted at Colaba Police Station, Mumbai.

4. The wife and the children of the applicant were residing at the matrimonial house at Phaltan which is stated to be 250 kms away from Mumbai. Ambika, wife of the applicant consumed poison and committed suicide on 6th August, 2018. Shalan Waghmode, mother of Ambika lodged FIR on 7th August, 2018 alleging that her daughter Ambika had committed suicide because of the cruelty meted out to her daughter by the applicant and his family members.

5. As stated earlier, the records prima facie reveal that the applicant herein was residing at Mumbai, while his wife Ambika was residing at Phaltan. Said Ambika had committed suicide in her matrimonial home at Phaltan. As on the date of the incident, applicant was not present at Phaltan, and in fact he was on duty at Colaba, Mumbai. Furthermore, the allegations leveled in the FIR do not prima facie indicate that the applicant herein had provoked,

induced or instigated his wife Ambika to commit suicide or that he had aided or facilitated commission of suicide. There is no prima facie material to show that the applicant had 'abetted' commission of suicide within the meaning of Section 107 of IPC.

6. Considering the nature of the allegations and the nature of the material against the applicant, in my considered view, this is not a case which justifies custodial interrogation. Furthermore, the applicant is a police constable, and hence there are no chances of his absconding or thwarting the course of justice. The applicant has no criminal antecedents.

7. Considering the above facts and circumstances, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the applicant in Crime No. 309 of 2018 registered with Phaltan Gramin Police Station, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(iii) The applicant shall report to the Investigating Officer for four days from 1st October, 2018, and as and when required by the

Investigating Officer for the purpose of investigation and interrogation.

(iv) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(vi) The applicant shall not tamper with the evidence or interfere with the complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)