

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

BAIL APPLICATION NO.2528 OF 2018

Pradeep @ Parsha Pandurang Kadam	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Vaibhav R. Gaikwad for the Applicant.

Mr. S.H. Yadav, APP for the Respondent-State.

Mr. P.C. Gaikwad, Police Naik, Rahimatpur Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 22nd OCTOBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who has been arrested in Crime No.149 of 2018 registered at Rahimatpur Police Station, District-Satara, for offences punishable under Sections 306, 504 and 506 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Mr. Vaibhav Gaikwad, the learned counsel for the Applicant and Mr. S.H. Yadav, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3 The records prima facie reveal that one Pooja had committed suicide on 25.8.2018. Aakash Mulik, brother of Pooja lodged FIR against the present Applicant and one Avinash alleging that the Applicant herein and said Avinash had abetted suicide of Pooja. The FIR prima facie indicates that the deceased-Pooja was friendly with said Avinash for several years. It is alleged that even after marriage of Avinash he was pressurising the deceased-Pooja to keep relationship with him. Similar allegations are made against the Applicant. It is alleged that he used to blackmail Pooja to have relationship with him. The FIR further reveals that the deceased-Pooja had informed this fact to Mahesh, with whom she was friendly and was to get married. It is alleged that Pooja had committed suicide because of constant mental torture and pressure by said Avinash and the Applicant.

4. The prosecution has relied upon the extract of whatsapp messages between Pooja and Mahesh. Perusal of the said whatsapp messages prima facie reveals that Mahesh had learnt about the relationship between Pooja and Avinash and he had felt betrayed and in the course of the conversation Pooja had told him that she was being blackmailed. Even if, the said messages are taken at the face value and

considered to be true and correct, the same in my considered view would not prima facie constitute 'abetment' within the meaning of Section 107 of the IPC. In the absence of any material on record to show that the Applicant herein has provoked, instigated, enticed and intentionally aided the deceased in committing suicide, he cannot be prima facie held guilty of offence punishable under Section 306 of the IPC.

5. The Applicant was arrested on 30.8.2018 and is presently in judicial custody and has already been interrogated and his presence is no longer required in the custody. The Applicant is a permanent resident of Nagzari, Taluka-Koregaon, and hence, there is no possibility of his absconding or fleeing from justice. The Applicant has no criminal antecedents.

6. Under the circumstances, in my considered view the Applicant is entitled for bail. Hence, the application is allowed on following terms and conditions:-

- (i) The Applicant, who is arrested in Crime No.149 of 2018 registered at Rahimatpur Police Station, District-Satara, shall be released on bail on furnishing bail bonds of

Rs.25,000/- with one or two solvent sureties in the like amount.

- (ii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Investigation Officer.
- (iii) The Applicant shall not change his residential address without prior intimation to the concerned investigation officer.

(SMT. ANUJA PRABHUDESSAI, J.)