

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

ANTICIPATORY BAIL APPLICATION No.2142 of 2018

Mahadeo Vasant Khilare	..Applicant.
Vs	
State of Maharashtra	..Respondent.

Mr. Balwant V. Salunkhe, Advocate for the applicant.
Mr. S.R. Agarkar, APP for the State.
Mr. S.R. Adhatrao, P.S.I. Pandharpur Town P.S. present.

**CORAM :- SMT. ANUJA PRABHUDESSAI, J.
DATE :- 16th October, 2018.**

- 1) This is an application under Section 438 of Criminal Procedure Code, filed by the aforesaid applicant apprehending his arrest in C.R.No. 782 of 2018, registered at Pandharpur City Police Station, for offence punishable under sections 306 read with section 34 of the Indian Penal Code.
- 2) Heard Mr. Salunkhe, learned counsel for the applicant 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 one Santosh Haribhau Chavan, brother of the deceased Anand. The first information

report reveals that Anand was married to Puja. The applicant herein is the cousin of said Puja. The first informant and his family members suspected that Puja was having illicit relationship with the applicant. Hence, they had prevented the applicant from visiting the matrimonial house of Puja. It is alleged that thereafter Puja and her husband Anand had started residing separately. The first information report further states that Puja used to harass her husband Anand to get money from his brothers in order to purchase a new house. There is also allegation that Puja and the applicant had abused and assaulted Anand on 27/5/2018. It is alleged that on 14/9/2018 Puja had gone to her parental house, as her husband was not allowing the applicant to visit the house. On 16/9/2018 the deceased Anand had gone to the parental house of Puja and requested her to return with him. However, she had refused to join him. It is alleged that said Puja and the applicant had abused deceased Anand. Being humiliated and insulted Anand committed suicide on the same date.

4) The allegations made against the applicant even if are taken at their face value, would not prima facie fall under the ambit of 'abetment of suicide'. The records do not prima

facie indicate that the applicant herein had provoked, instigated, incited or aided the deceased Anand to commit suicide. There is no prima facie material on record to indicate that the applicant had created such circumstances that the deceased was left with no other option except to commit suicide. The allegations levelled against the applicant do not prima facie constitute acts of 'abetment' within the meaning of Section 107 of IPC. Hence, in my considered view, this is not a case which justifies custodial interrogation. The applicant is a permanent resident of taluka Pandharpur, District Solapur. There is no possibility of the applicant absconding or thwarting the course of justice.

5) Considering the above facts and circumstances, in my considered view, this is a fit case for grant of pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest in C.R. No. 782 of 2018 registered at Pandharpur City Police Station, District Solapur, the applicant be released on bail on furnishing bail bonds of Rs. 25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall report to the concerned Investigating Officer for four days from

22/10/2018 between 10:30 a.m. to 2:00 p.m., and thereafter as and when required for the purpose of investigation.

(iii) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer.

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

(v) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)