

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

ANTICIPATORY BAIL APPLICATION NO.271 OF 2018

Hanmant Ramchandra Kurle & Ors..... Applicants

Vs.

The State of Maharashtra Respondent

Mr. Satyavrut Joshi for the Applicants.

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

Mr. Girish V. Dighavkar, API, Talegaon Dabhade police station present.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 14th February, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.16 of 2018, registered at Talegaon Dabhade Police Station, Pune (Rural), for the offence punishable under Section 306 read with 34 of Indian Penal Code. Perused the papers of investigation.

3 It is the case of the prosecution that the daughter of present applicant nos. 1 and 2 was married to Umesh Khandu Shinde on 4th December 2016. That on 13th January 2018, Umesh Shinde had committed suicide by consuming poison. His brother Ramesh Khandu Shinde lodged a report at the police station alleging therein that that on 10th January 2018, Umesh had called upon the first informant informing him that the present applicant nos. 1 and 2 wish to attend the lecture of one Wamanrao Pai. They had requested to Umesh and Jyoti to attend the same. Umesh had refused to attend the same. Moreover there was telephonic conversation between applicant no.1 and Umesh and he had questioned the applicant no.1 as to why his wife was taken to maternal house in his absence. Umesh was annoyed by the reaction given by applicant no.1. They were speaking on the conference call, which was also heard by the neighbour. Immediately Umesh had disclosed to his father-in-law that he would consume poison and he had put his word into action and consumed poison. The deceased had left a suicide note wherein it is specifically mentioned that being harassed by the present applicants, he is committing suicide. Jyoti, who happens to be the wife of deceased Umesh is carrying pregnancy of about more than 28 weeks. She needs to be looked after by her parents.

4 Learned counsel for the applicants submits that in the given facts of the case, custodial interrogation would not be

imperative. Taking into consideration the nature of allegations levelled against the applicants, it cannot be said that the applicants herein had abetted, instigated or facilitated the commission of suicide. The applicants deserve to be granted pre-arrest bail.

5 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

1 The application is allowed and disposed of.

2 In the event of arrest, the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.

3 The applicants shall report to the concerned police station as and when called.

(*Smt. Sadhana S. Jadhav, J*)