

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

ANTICIPATORY BAIL APPLICATION NO. 493 OF 2018

1. Akash Vijay Salve
2. Amol Suresh Salve ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Sanjeev Sawant a/w. B.K.Barve, Sheetal Tanpure, Archana Lad, Santosh Wagh, Preshit Bagul I/b. B.K.Barve & Co. for the Applicant.
Mr. S.R. Agarkar, APP for the State.
Mr. Ravindra Khonde, Police Constable, Nashik Road Police Stn. , Nashik City present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : SEPTEMBER 21, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicants apprehending their arrest in C.R.No.81 of 2018, registered at Nashik Road Police Station for the offence under Section 306 r/w. 34 of IPC.
2. Heard Mr. Sawant, the learned Counsel for the applicants and Shri Agarkar, the learned APP for the State. Perused the records.
3. The aforesaid crime was registered pursuant to the FIR lodged

by Sumedh Ramchandra Chunarkar, husband of deceased Pragnya. The FIR prima facie reveals that the wife of the first informant had committed suicide on 16th February, 2018. The suicide note allegedly states that said Pragnya had committed suicide because of the harassment meted out to her by the present applicants.

4. The present applicants are the neighbors of the deceased. The suicide note does not spell out the reasons or the nature of harassment. Apart from the said bare statement in the suicide note, there is no other material on record to prima facie indicate that the applicants herein had instigated, provoked or enticed the deceased to commit suicide, or that they had aided or facilitated commission of the suicide. It is not the case of the prosecution that the applicants had entered into any conspiracy which ultimately resulted in the commission of suicide by Pragnya. In short the material on the record does not disclose the essential ingredients of “abetment” within its meaning of Section 107 of IPC.

5. It is also pertinent to note that the applicants were granted interim bail by order dated 13th March, 2018. While granting interim bail, the applicants were directed to report to the

Investigating Officer and co-operate with the investigation. It is submitted that the applicants have already complied with the said condition. The presence of the applicants is therefore not required for the purpose of interrogation or investigation. Furthermore, the applicants are permanent residents of Nashik and there are no chances of their absconding or thwarting the course of justice.

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

(i) In the event of arrest of the applicants abovenamed in Crime No. 81 of 2018 registered at Nashik Road Police Station, the applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only)each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The applicants shall not interfere with the complainant and the other witnesses, or tamper with the evidence in any manner.

(iii) The applicants shall provide their permanent as well as temporary address, if any, and their contact details to the

Investigating Officer.

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

Prasanna
Pradeep
Salgaonkar

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Prasanna
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(ANUJA PRABHUDESSAI, J.)