

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

ANTICIPATORY BAIL APPLICATION NO. 572 OF 2018

Nava @ Avinash Ramdas Gaikwad ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Adkiya Lasaria I/b. Shubhada Khot for the Applicant.

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

Ms. S.S.Waghmare, PSI, Yerwada Police Stn., present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 06, 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. 163 of 2018 registered at Yerawada Police Station for offences under Section 306 of Indian Penal Code.

2. Heard Mr. Lasaria, the learned Counsel for the applicant and Shri Agarkar, 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 first informant is the brother of deceased Diksha. Diksha had left the house on 19th February, 2018 and had not returned. She had left a note stating that she was friendly with the applicant and that he had promised to marry her, but later refused to marry. On 20th February, 2018 they found that Diksha had sustained injuries in a train accident and she was admitted in Pimpri Hospital. She expired on 22nd February, 2018. Shri Akshay Saval, brother of the deceased lodged a FIR against the present applicant for abetting suicide of said Diksha .

4. The records reveal that said Diksha had committed suicide solely because the applicant had refused to marry her. Refusal to marry a person cannot be considered to be 'abetment' within the meaning of Section 107 of IPC. Thus, prima facie there are no reasonable grounds to indicate that the applicant had committed offence under section 306 of IPC. The nature of allegations do not justify custodial interrogation.

5. By order dated 23rd March, 2018, the applicant was granted interim bail. One of the conditions was to attend the Investigating Officer. The learned APP concedes that applicant has reported to the Investigating Officer. He has been interrogated and his presence is not required for interrogation, much less custodial interrogation. The applicant is a permanent resident of Pawana Nagar, Pune. There are no chances of his absconding or thwarting the course of justice. There are no criminal antecedents against the applicant.

6. 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. 163 of 2018 registered at Yerawada Police Station, Pune, 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.
- (ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

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

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

Digitally
signed by
Prasanna
Pradeep
Salgaonkar
Date:
2018.10.10
17:26:00
+0530

Prasanna
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Salgaonkar

(ANUJA PRABHUDESSAI, J.)