

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 871 OF 2018

Mrs. Pooja Satish More @ Pooja Amit
Yadav (Guru Aai). .. Applicant.
Vs.
The State of Maharashtra. .. Respondent.

Mr. Sanjeev Sawant i/by B. K. barve and Co. for the Applicant.
Ms. Veera Shinde, APP for the Respondent.
Ms. T. N. Athawale, PSI Wadiwarhe Police Station, Nasik (Rural).

CORAM : P. N. DESHMUKH, J.

DATE : 26th APRIL, 2018.

P. C. :

1. Issue notice to respondent. Learned APP waives service of notice on behalf of respondent.
2. Heard learned counsel for applicant and learned APP. Perused case diary. Applicant involved in crime No. 34/2018 for offences punishable under Section 306, 504, 506, 507 of Indian Penal Code, is seeking anticipatory bail . By consent of learned counsel for both sides, application is finally heard. It is the case of prosecution as revealed from the report lodged by Chaya More, wife of deceased Satish More that, as per information received by complainant, deceased while working as a driver was indulged in illicit relations with applicant who admittedly is a trans-gender and such relations

were in existence for couple of years and in between was visiting the complainant with whom she had married. Complaint is into the effect that some time in January, 2018, applicant took deceased to Karnataka State, where they reside for one month and thereafter, applicant was ill during which period she demanded Rs.50 Lakhs from deceased and deceased as such committed suicide on 24th February, 2019. Referring to the report as aforesaid, it is submitted for applicant that there is nothing to establish from the report that applicant at any point of time or immediately prior to deceased committing suicide on 24th February, 2018 at 5.30 pm by hanging, abet the same and as such prays for anticipatory bail.

3. Learned APP opposed the application on the ground that name of applicant is mentioned in the report to have demanded Rs.50 Lakhs from deceased and has further contended that said contents are materially corroborated from the statements of parents of deceased and has thus, contended that as applicant was demanding Rs.50 Lakhs, deceased committed suicide.

4. In the background of submissions advanced as aforesaid, perusal of report reveals that on 19th February 2018 deceased left his house while staying with his wife Chaya More and on 24th February, 2018 ;and committed suicide in the evening which fact was learnt by complainant on the next day. From the contents of report,

there is nothing to establish that applicant abetted commission of suicide as alleged by complainant at any time, in fact from the report it is found that on 24th February, 2018 at about 12.30 pm applicant contacted complainant Chaya More and inquired about the deceased. In that view of the matter, prima facie it is found that after 19th February, 2018 there was no contact between applicant and deceased. Deceased committed suicide on 24th February, 2018. In fact on that day complainant appears to have spoken to deceased on phone at around 12.00 noon.

5. Perusal of statements of parents of deceased also do not establish any abetment as required under the law at the hands of applicant immediately prior to incident of suicide as from their statements, only fact which can reveal is about monetary demand of Rs.50 Lakhs by applicant from the deceased.

6. In view of facts as aforesaid, application is therefore, liable to be allowed by imposing suitable conditions as even according to the Ration Card, copy of which is annexed to the application, applicant is shown therein as wife of deceased. Hence, the following order;

ORDER

- (i) In the event of arrest of applicant in Crime No. 34/2018 registered with Wadivhare Police Station, Nashik, applicant shall be released on bail on her

executing P.R. bond in the sum of Rs.15,000/- with one surety in the like amount.

(ii) While on bail applicant shall visit police station on each Sunday between 10.00 am to 5.00 pm. till filing of charge-sheet.

[P. N. DESHMUKH , J.]