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

ANTICIPATORY BAIL APPLICATION NO.1027 OF 2018

Milind Shantaram Kamble

..Applicant.

V/s.

The State of Maharashtra

..Respondent

Mr. Kuldeep S. Patil for applicant.

Mr. Vinod Chate, APP for the Respondent/State. .

CORAM : A.S.GADKARI, J.

DATE : 25th May 2018.

(Vacation Court)

P.C.:

1] This is an application under Section 438 of Cr. P.C. for pre-arrest bail in CR No.0055 of 2018 dated 26.3.2018 registered with Khalapur Police Station, District-Raigad under Sections 306 and 507 of Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] The name of the deceased is Miss. Asmita Govind Kshirsagar. The first information report is lodged by Shri Govind G. Kshirsagar, father of the deceased. It is stated in the report that, the marriage of Miss. Asmita was fixed with the applicant and accordingly the engagement ceremony

was performed on 11.3.2018. That the applicant had given a mobile phone to Miss. Asmita as a gift and he used to talk with her on the same. On 24.3.2018 at about 3.00 p.m. Miss. Asmita came to home and disclosed her father that the applicant asked her whether she is having any affair with any other boy to which she replied positively. The applicant thereafter told her that he had recorded her concession on mobile phone and same will be circulated on social media namely "WhatsApp" and same will also be shown to her parents. The applicant thereafter told Ms. Asmita that he will perform, another marriage with another girl within seven days there from. On 25.3.2018, the applicant had given a phone call to deceased Miss. Asmita and told her to return all the gift articles forthwith failing which he will institute a Court case against her and also threatened her that he will publish her concession on WhatsApp.

When the first informant had been to the applicant for returning the said gift articles, the applicant further threatened him by saying that he will defame him in the community. It is the further propection case that, Miss. Asmita committed suicide by hanging at about 5.00 pm on 25.3.2018 in the Community Centre. In the premise, the first information report is lodged.

4] Mr. Patil, the learned Counsel appearing for the applicant submitted that, as a matter of fact the deceased was having an affair with another boy which came to the knowledge of applicant and when he confronted her about the same, she admitted the said fact and therefore he decided to break the engagement and demanded back the said articles. He submitted that the applicant did not instigate or abated Miss. Asmita to commit suicide. He submitted that, the applicant is ready and willing to co-operate with the Investigating Agency and therefore he may be protected by pre-arrest bail.

5] A bare perusal of the first information report clearly indicates that, it is because of the applicant's consistent mental torturer to the deceased she was left with no other alternative then to commit suicide. The first information report would further clearly indicate that, the applicant on more than one occasion threatened Miss. Asmita of publishing the said concession given by her on social media namely "WhatsApp" and also threatened her father of defamation in their community. It appears that as the deceased could not bear the said mental torturer caused by the applicant and being left with no other alternative committed suicide.

Prima facie it appears that, there is sufficient material available

on record to indicate the clear complicity of the applicant in the present crime.

6] In view of the above and after taking into consideration the serious allegations against the applicant and the gravity of the said offence, this Court is of the view that, the applicant does not deserve to be protected by pre-arrest bail.

7] The application is accordingly rejected.

(A.S.GADKARI, J.)