

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1281 OF 2018

Pandurang Ganpat Talekar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. A. M. Adagule i/b. Mr. S. R. Ganbavale, Advocate, for the
Applicant

Mr. S. S. Pednekar, APP, for the Respondent – State

Mr. U. R. Khade, API, Paud Police Station, Pune

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 02.07.2018

P.C.

. Heard learned counsel for the Applicant and the learned
APP for the Respondent – State.

2. This is an Application under Section 438 of the Code of
Criminal Procedure. The Applicant herein is apprehending his arrest in
C. R. No. 168 of 2018, registered at Paud Police Station, Pune, for the
offence punishable under Section 306 r/w 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 25.05.2018, initially
A. D. No. 64 of 2018 was registered in respect of death of Atul

Mahadev Raut. Atul Mahadev Raut had committed suicide by consuming poison and thereafter, he had caused an injury on his neck. On 25.05.2018, Mahadev Raut who happens to be the father of Atul lodged a report at Paud Police Station alleging therein that Atul had married Rajshri, the sister of Kishor Shamrao Shinde and the sister-in-law of the present Applicant against their wish. It was a love marriage. That the couple was blessed with a daughter namely Antara aged about 12 years. According to the first informant, discordant note had struck between the couple. They were at loggerheads. That she had committed suicide.

4. It is alleged that Kishor had lodged a report against Atul for having abetted the commission of suicide of his sister Rajshri. The case was committed to the Court of Sessions which was registered as S. C. No. 523 of 2017. On 09.5.2018, the matter was fixed for Judgment. However, it was adjourned. Thereafter, Atul had committed suicide on 10.05.2018. The Post-Mortem Notes indicate that there was a self inflicted injury on his neck. The first informant alleged that Antara was in the custody of Atul and that he was demanding Rs. 40,00,000/- for giving her custody. He was being harassed by the present Applicant and Kishor Shinde and therefore, he had committed suicide.

5. Upon perusal of papers of investigation, it is clear that on 09.05.2018 itself, Atul was under tremendous pressure, as the matter was posted for Judgment. In the A. D. enquiry, there were no allegations against the present Applicant or Kishor Shinde and the first information report is lodged practically after more than two weeks of the date of incident.

6. In view of the above circumstances, it cannot be said that the Applicant had abetted, instigated or facilitated the commission of suicide by Atul. Hence, the custodial interrogation would not be imperative. The Applicant deserves grant of pre-arrest bail.

7. Hence, I proceed to pass the following order.

ORDER

- (i) The Application is allowed;
- (ii) In the event of arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 15,000/- with one or more solvent sureties in the like amount;
- (iii) The Application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J.)