

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

**ANTICIPATORY BAIL APPLICATION NO.857 OF 2019**

Amol Hiranman Bachhav

.... Applicant

versus

The State of Maharashtra

.... Respondent

- Mr. Abhishek Yende, Advocate for the Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. S. A. Padwal, PSI, Khed Police Station, present.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 16<sup>th</sup> JULY, 2019**

**P.C. :**

1. The applicant is seeking anticipatory bail in connection with C.R. No.78/2019 registered at Khed Police Station, Pune Rural under Section 498-A, 306, 323, 504 and 506 r/w. 34 of IPC.

2. The FIR is lodged by one Sangita Bagul. She was mother of deceased Kavita. Sangita had lost her husband a few years ago. Kavita had committed suicide by jumping in a valley alongwith her daughter Rudra aged 5 years on 4/3/2019. It is

mentioned in the FIR that the deceased had got married to brother of the applicant Deepak on 2/1/2012. They had a daughter named Rudra. On 4/3/2019, the deceased went missing. The first informant and others started searching for her. They were informed subsequently that Kavita and Rudra's dead bodies were found in a valley near Bhimashankar. After their dead bodies were found, the first informant lodged the FIR. In her FIR, she has alleged that, after marriage, Kavita's husband Deepak was demanding money from Kavita. The first informant gave him Rs.5 Lakhs for purchasing a house. In the meantime, in the year 2017 the first informant got married again. It is further alleged in the FIR that Deepak, present applicant and their father used to demand property belonging to the first informant and on that count they were harassing Kavita. It is the specific allegation in her FIR that the present applicant had called the first informant and told her that she should transfer her property in the name of Kavita. On that count, he was allegedly harassing Kavita. The FIR further mentions that Kavita's husband was continuously ill treating her. In the year 2017, Kavita had attempted to commit

suicide. In December 2018, the first informant had given some ornaments to Kavita and at that time, Kavita told her about the harassment caused by the husband and the present applicant. The allegations against the present applicant are that he was calling her frequently and was harassing her. On this basis, the FIR is lodged and the applicant is apprehending his arrest because of the allegations made against him.

3. Heard Mr. Yende, Ld Counsel for the applicant and Ms. Kaushik, Ld. APP for the State.

4. Shri. Yende submitted that the present applicant was posted in Mumbai. He was residing far away from the deceased. Therefore, he was not directly responsible for the harassment and subsequent suicide committed by the deceased. He submitted that the main allegations are against the husband of the deceased Kavita. He made reference to the present applicant's role. He submitted that the applicant deserves protection of anticipatory bail. He pointed out that the applicant is serving as a Police

Constable in D.G. office at Mumbai and if he is arrested his carrier will be ruined.

5. Ld. APP submitted that though the FIR makes some serious allegations against the husband, there is also reference to the applicant's role. She stated, on instructions, that while the applicant was having interim protection he had attended the Police Station and has co-operated with the investigation. If the statements in the FIR are perused, there is one significant aspect which will have to be taken into account. The allegation of demand of property are no doubt there but the FIR also mentions that the applicant was telling the first informant to transfer the property in the name of the deceased herself. Thus, at this stage, it can be seen that the present applicant was not demanding the property for himself but wanted the property transferred in the name of the deceased. Therefore, other allegations against the present applicant become doubtful. The applicant has attended the Police Station and has co-operated with the investigation. Therefore, custodial interrogation of the present applicant on the

basis of these allegations is not warranted. Hence, the following order.

**ORDER**

1. In the event of his arrest in connection with C.R. No.78/2019 registered at Khed Police Station, Pune Rural, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- with one or two sureties in like amount.
2. The application is disposed of.

**(SARANG V. KOTWAL, J.)**