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

ANTICIPATORY BAIL APPLICATION NO.1791 OF 2019

Shikha Singh Chauhan

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr.S.S.Pathan, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent - State.

PSI – Gurav, Amboli Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th SEPTEMBER, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.163 of 2019, registered with the Amboli Police Station, Mumbai, for the alleged offences punishable under Sections 306, 323 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that taking the prosecution case as it stands, no offence as alleged under Section 306 of

the Indian Penal Code is disclosed, qua the applicant. Learned Counsel relied on an N.C. lodged by the applicant as against deceased – Shobhit Singh on 13th April, 2019. The said N.C. is on page 29 of the Application. In the said N.C, the applicant has alleged that deceased - Shobhit came to her house on 12th April, 2019 at about 11.00 p.m. to meet her. She has stated that when she refused to open the door, deceased – Shobhit, got angry and started abusing her, and threatened to show their photographs to her parents and also to make the photographs viral. She has also stated in the said N.C. that deceased – Shobhit also threatened to commit suicide. It appears that deceased – Shobhit went missing on 13th April, 2019 and sent a Whatsapp message to his friend – Pankaj, making certain allegations as against the applicant. In the said Whatsapp message, deceased – Shobhit has also stated that he was going to commit suicide. Shobhit's dead body was found on 30th April, 2019, pursuant to which, his employer – Mikhil Chandramani, lodged an FIR/complaint, as against the applicant on 8th May, 2019.

4. Learned APP states that the applicant has reported to the Investigating Officer of the concerned Police Station, as directed by this Court vide order dated 16th August, 2019.

5. *Prima facie*, having regard to the facts, it is doubtful, whether the applicant would be liable for the alleged offence punishable under Section 306 of the Indian Penal Code.

6. Having regard to the peculiar facts of this case, the custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim protection granted vide order dated 16th August, 2019, stands confirmed on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station, as and when called;
- (iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall co-operate with the Investigating Agency.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.