

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

ANTICIPATORY BAIL APPLICATION NO. 2213 OF 2019

Santosh Sanjay Kale	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Kuldeep S. Patil i/b. Prashant S. Hagare, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the State/Respondent.

Mr. D. K. Kapare, API, Yawat Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th OCTOBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.787 of 2019 registered with Yawat Police Station, Dist. Pune, under section 306 of the Indian Penal Code.

2. The FIR is lodged on 10/09/2019 by one Sunanda Bhosale in respect of suicide committed by her daughter Geeta, aged 22 years, at the time of her death. It is mentioned in the FIR that on 29/07/2019, Geeta consumed poison. She was shifted to Sassoon Hospital, Pune and while she was under treatment, she died on 07/08/2019. The informant has further mentioned that,

after a few days of death of deceased, she was checking the articles of the deceased. She found one Mangalsutra and applicant's photograph. Her daughter-in-law informed that, couple of days prior to the incident, the applicant had made video call and he had conversation with the deceased. The deceased was telling the applicant that they should get married, but he was refusing and abusing the deceased. The informant's daughter-in-law further told her that the deceased had mentioned that, she was in love with the applicant. The applicant had initially suggested that they could get married but subsequently he was refusing to get married. The deceased got disturbed and in that state of mind she consumed poison. On this basis, the FIR was lodged.

3. Heard Mr. Kuldeep Patil, learned counsel for the applicant and Mr. Yadav, learned APP for the State.

4. Shri. Patil submitted that, the entire statement in the FIR does not make out any offence whatsoever against the applicant. The refusal to marry can not be said to be an offence of abetment U/s.107 and 306 of the IPC. Learned APP only relied on the FIR.

5. I have considered these submissions. The FIR merely shows that the applicant had refused to marry the deceased. The deceased unfortunately has taken this step of consuming poison. This act cannot be described as an offence of abetment to commission of suicide. There are no allegations of causing harassment or treating the deceased with cruelty by the applicant. In this view of the matter, custodial interrogation of the applicant will not be justified. The applicant deserves protection of anticipatory bail.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 787 of 2019 registered with Yawat Police Station, Dist. Pune, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)