

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

ANTICIPATORY BAIL APPLICATION NO. 2581 OF 2018

Sandeep Namdev Maghe

... Applicant

Vs.

The State of Maharashtra

... Respondent

...

Mr. Rajiv Patil, Sr. Advocate I/by Mr. Hasan Patel for the applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

Mr. P.N. Narayankar, P.C. Padgha Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 7th FEBRUARY, 2019.

P.C.

1. This is an application for anticipatory bail in connection with CR No.286 of 2018 registered with Padgha Police Station, Taluka Bhiwandi for offences under Section 306 r/w Section 34 of Indian Penal Code. The FIR was lodged by father of victim on 16th November 2018.

2. It is alleged that the marriage between the victim and the applicant was solemnized on 3rd June 2013. There are two issues out of the wedlock. The victim had committed suicide on 31st August 2018. Learned counsel for applicant submitted that after the incident of suicide, the father of victim (complainant) had handed over to the accused memorandum of understanding for the benefit and custody of the children. The FIR was thereafter lodged after a period of about two and half months from the date of incident.

3. Learned APP submitted that in respect to the harassment a non-cognizable complaint was lodged by the father of victim in 2015 which indicate that there was harassment to the victim. However, it is submitted by learned counsel for applicant that the allegations made in the FIR also do not indicate that there was demand of dowry or any harassment which would compel the deceased to commit the suicide. It is noted that after the incident the complainant has executed memorandum of understanding. The father-in-law and mother-in-law of the deceased had preferred an application for anticipatory bail and the said application has been allowed.

4. Applicant was granted interim protection vide order dated 14th December, 2018. He was directed to attend the Investigating Officer of the concerned Police Station. It is submitted that applicant has complied the said direction. Learned APP on instructions from the officer who is present in the Court submits that investigation is concluded and within a period of 15 days chargesheet would be filed.

5. Considering the aforesaid circumstances and the observations made herein above, the interim order dated 14th December, 2018 is required to be confirmed. Hence, I pass the following order.

ORDER

- i. Interim order dated 14th December, 2018 is confirmed;
- ii. In the event of arrest of applicant in connection with CR No. 286 of 2018 registered with Padgha Police Station, the applicant be released on bail on furnishing PR Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Anticipatory Bail Application No. 2581 of 2018 stands disposed off.

(PRAKASH D. NAIK, J.)