

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 ANTICIPATORY BAIL APPLICATION NO. 804 OF 2020

Sambhaji S/o. Bhujang Wadgaonkar,
Age. 22 years, Occ. Education,
R/o.Shindagi, Taluka Ahmedpur,
District Latur.

...Applicant.

Versus

The State of Maharashtra.

Advocate for Applicant : Mr. S.S. Rathi.
APP for Respondent : Mrs.G.L. Deshpande.

CORAM : MANGESH S. PATIL, J.
DATE : 05.11.2020

Per Court :

This is an application under Section 438 of the Code of Criminal Procedure, as the applicant is apprehending his arrest in connection with Crime No. 280/2020, registered with Ahmedpur Police Station, Taluka Ahmedpur, District Latur, for the offences punishable under Sections 306, 354-D, 506 of the Indian Penal Code.

2. The allegations in short are to the effect that the applicant was stalking the deceased since before her marriage on 25.03.2019. In spite of her marriage he continued to stalk her. He used to frequently make her phone calls. Soon before her death she had come back to the parental home but the

applicant continued to harass her by stalking her. Fade up with such persistent harassment she consumed poison on 08.08.2020.

3. The prosecution version appears to be that just before her death she orally disclosed to her grand father that it was because of the harassment by the applicant that she was committing suicide.

4. Learned Advocate Mr. Rathi for the applicant submits that there is enormous delay in lodging the FIR which clearly smacks of falsehood. No plausible explanation can be found in the FIR for such a delay of 21 days. The learned Advocate would further submit that according to his instructions, the husband of the deceased had not attended her funeral which creates further doubt about the veracity of the story sought to be built up in the FIR. He would submit that there is nothing to be recovered or discovered from the applicant. There are no criminal antecedents. He is a boy aged of 22 years, taking education in Arts faculty. He is ready to co-operate the Investigating Officer and may be granted bail.

5. Learned APP strongly opposes the application. She submits that the offence is serious. There is an oral dying declaration to the grand father. The deceased had specifically disclosed that it was the harassment meted out to

her by the applicant which was the prime cause for her to end her life. At this juncture, this much of material is enough to reveal complicity of the applicant in commission of the crime and the application may be rejected.

6. The learned APP further, points out that there are statements of couple of witnesses who had intervened to stop the applicant from stalking the deceased, which corroborate the prosecution version.

7. I have carefully gone through the papers. The applicant is being implicated for abetting suicide by persistently stalking the deceased. Without intending to cause any prejudice to the prosecution one cannot avoid the temptation to point out that there is an enormous delay in lodging the FIR of 21 days. If really the informant who is the father of the deceased and even his family members were aware about such stalking by the applicant as the prime cause for the unrest in the mind of the deceased, one cannot comprehend as to why there could be so much delay in lodging the FIR.

8. Again, the grand father of the deceased in his statement recorded on 29.08.2020 has come out with a version of the deceased having given oral dying declaration. But then one cannot comprehend as to why there is not a whisper in the FIR about such oral dying declaration.

9. Be that as it may, the offence punishable under Section 354 - D is bailable one. So far as abetment of suicide punishable under Section 306 is concerned, considering the nature of the allegations and all the aforementioned circumstances, it would not be appropriate to allow the applicant to be arrested without bail.

10. The application is allowed.

11. In the event of arrest of the applicant in connection with Crime No. 280/2020, registered with Ahmedpur Police Station, Ahmedpur, District Latur, he shall be released on bail on furnishing Personal Recognizance for an amount of Rs. 20,000/- (Rupees twenty thousand) and a surety in the like amount subject to the following conditions :

(a) He shall attend the concerned Police Station as and when called by the Investigating Officer till filing of the charge sheet and shall co-operate him.

(b) He shall not tamper the evidence and influence the witnesses.

(MANGESH S. PATIL, J.)