

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

ANTICIPATORY BAIL APPLICATION NO.394 OF 2020

Shashikant Murlidhar Pate	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Kuldeep S. Patil, Advocate for the Applicant.

Mrs.Veera Shinde, APP for the Respondent – State.

API R.B. Phad, Vagle Estate Police Station, Thane, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 14, 2020.

P.C. :

Applicant is seeking anticipatory bail in connection with C.R.No.I-162 of 2019, registered with Wagle Estate Police Station, Thane, for the offences punishable under Sections 376 and 306 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 23rd December, 2019 by the husband of the deceased. It is alleged that the deceased had informed the complainant on 17th December, 2019, that she got acquainted with the applicant on account of admission of her children, and, thereafter, she had visited hotel Trident, Mumbai. The applicant had promised her about the admission of the

children in Singhania school. The applicant clicked her photographs. She stayed in the hotel. Subsequently, she realised that the applicant is taking undue advantage. Hence, she felt guilty of her conduct. On 18th December, 2019, she committed suicide by hanging herself in the room.

2 Learned advocate for the applicant submitted that the victim had committed suicide on 19th December, 2019. The contents of the FIR itself would indicate that the victim had volunteered to meet applicant. The reply filed by the prosecution opposing anticipatory bail application before the Sessions Court refers to the exchange of photographs between the applicant and the deceased, conversation between them, messages, photographs, screen short etc., which shows that relationship was consensual.

3 Learned APP submitted that the deceased has mentioned about the incident which had occurred in Trident hotel to her husband. The applicant took undue advantage of the situation and exploited her. Due to conduct of the applicant, the victim was disturbed, which compelled her to commit suicide. Statement of friend of the victim, who had introduced her to the applicant, supports the version of complainant.

4 On going through the FIR, investigation papers, order passed by the Sessions Court and the reply filed by the prosecution opposing anticipatory bail, it is apparent that the applicant and deceased were acquainted with each other. There were exchange of messages, photographs, videos. There was recorded conversation. In the FIR, it is mentioned that the victim had told her husband that she had stayed with the applicant at hotel Trident. *Prima facie*, it appears that the relationship is consensual. Where there was an abetment to commit suicide is a debatable issue. Considering the factual aspect and the nature of material, case for grant of anticipatory bail is made out.

5 Hence, I pass the following order:

:: O R D E R ::

- (i) Anticipatory Bail Application No.394 of 2020, is allowed;
- (ii) In the event of arrest of Applicant in connection with C.R.No.I-162 of 2019, registered with Wagle Estate Police Station, Thane, he be released on bail on his executing P.R. Bond in

the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall attend the investigating officer on 24th to 26th February, 2020, between 11:00 a.m. to 01:00 p.m., till filing of charge - sheet;
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)