

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 ANTICIPATORY BAIL APPLICATION NO.596 OF 2021
WITH APPLN/1257/2021 IN ABA/596/2021

Narayan s/o.Ashokkumar Tharwani, .. Applicant
Age. 25 years, Occ. Business,
R/o. 359, Sindhi Colony,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon.

Versus

The State of Maharashtra .. Respondent

Mr.N.S. Ghanekar, Advocate for the applicant.
Mr.V.M. Kagne, APP for respondent/State.
Mr.G.D. Jain h/f. Mr.P.B. Gamot, Advocate for applicant
in Cri.Appln No.1257 of 2021.

CORAM : SANDEEP K. SHINDE, J.
DATED : 05.07.2021

PC :-

01. Heard learned Counsel for the applicant and
learned APP for the State.

02. Apprehending arrest in connection with Crime
No.214 of 2021, registered with Bazarpeth Police Station,
Bhusawal, Dist. Jalgaon, registered under section 306 of
the Indian Penal Code, the applicant is seeking pre-
arrest bail.

03. The applicant is 25 years old person. The deceased committed suicide on 8th May, 2021 in her home. The complainant is father of the deceased. Soon after the suicide, accidental death enquiry under section 174 of the Cr.P.C. was held. In this enquiry the statement of father of the deceased was also recorded; however, he did not attribute any role to the applicant. Complaint was lodged on 22nd May, 2021.

04. Learned Counsel for the applicant has invited my attention to WhatsApp messages exchanged between the deceased and the applicant. These messages indicate that both were in love with each other, but their affair was disliked by the parents.

05. Here the question is – whether applicant has abated commission of suicide and whether his custodial interrogation is required?

06. Herein applicant has handed over his cell phone to the Investigating Officer on 22nd May, 2021. The Investigating Officer shall seek appropriate report from Forensic lab to verify the messages. As on today, I have no reason to disbelieve the messages exchanged between the deceased and the applicant. It is settled law that so as to bring a case within the purview of section 306

of the IPC, there must be a case of suicide and in the commission of said offence, the person who is said to have abated commission of suicide, must have played an active role by an act of instigation or by doing certain acts to facilitate the commission of suicide. Here facts of the case suggest since parents of deceased were against their daughter's affair with the applicant, it appears she committed suicide.

07. Be that as it may, in consideration of the facts of the case, in my view, case is made out for granting pre-arrest bail to the applicant. In other words, applicant's custodial interrogation is not required. Hence, the order.

08. In the event of arrest of the applicant, the applicant be released on bail on executing bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in like amount. The applicant shall report to the Investigating Officer on 12th, 19th and 26th July, 2021 between 11.00 a.m. to 02.00 p.m. and thereafter as and when called by the Investigating Officer.

09. The anticipatory bail application is allowed and disposed of.

10. Intervenor's application is allowed and disposed of.

[SANDEEP K. SHINDE,J.]