

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1000 OF 2021

Akshay s/o Rajabhau Avhad ...Applicant

Versus

The State of Maharashtra ... Respondent

...

Advocate for the Applicant : Mr. A. L. Kanade

APP for the Respondent – State : Mr. N. T. Bhagat

...

CORAM : V. G. BISHT, J.

DATE : 28th SEPTEMBER, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.175/2021, registered with Neknoor Police Station, Taluka and District Beed for the offence punishable under Section 306 of the Indian Penal Code, 1860.

2. It is the case of prosecution that informant's sister Sonali Ankush Jadhav (since deceased) was in love with applicant. The prosecution alleges that the applicant, however, had concealed his marital status and when he brought his wife

back and refused to marry deceased, the deceased felt bad and committed suicide by hanging on a tree. Informant accordingly lodged the report.

3. Mr. A. L. Kanade, learned counsel for the applicant, submits that the applicant was already married and is having two sons and never assured the deceased to marry her. Moreover, having regard to the nature of allegations there is no necessity of custodial interrogation and, therefore, the present application deserves to be allowed, urged learned counsel.

4. Mr. N. T. Bhagat, learned APP for the Respondent - State, on the other hand, opposed the submissions by contending that the investigation is in progress and therefore, the present application deserves to be rejected, argued learned APP.

5. Having regard to the nature of allegation, in my considered opinion, this is not a case of custodial interrogation. It appears that the deceased was in love with the applicant and then he refused to marry her, she allegedly committed suicide. *Prima-facie*, I do not find that the ingredients of Section 306 IPC are attracted. As already noted the case being

not of the kind in which the custodial interrogation is necessary, I am inclined to allow the application. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant Akshay s/o Rajabhau Avhad herein in connection with Crime No.175/2021, registered with Neknoor Police Station, Taluka and District Beed for the offence punishable under Section 306 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.10,000/- (Rupees Ten Thousand only), with one or two sureties in the like amount.
- (iii) Application is accordingly disposed of.

**(V. G. BISHT)
JUDGE**

shp/-