

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

ANTICIPATORY BAIL APPLICATION NO. 807 OF 2021

Pallavi Arun Waghole ...Applicant

Versus

State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 707 OF 2020**

Salman Mehraj Khan ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr. Nitesh J. Mohite for the Applicant in both the Anticipatory Bail Applications.

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

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CORAM: V.G.BISHT, J.

DATE: 13th OCTOBER, 2021

PC:-

1. The present Applications have been moved by the Applicants under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 306, 385, 506 read with 34 of the Indian Penal Code (the IPC) registered vide Crime No. 85 of 2020 with Sangli City Police Station, Sangli.

2. It is the case of the prosecution that the Applicant Pallavi Arun Waghole happens to be the widow of Arun Waghole, who committed suicide on 1st March, 2020 by consuming poison. According to prosecution, the present Applicant Pallavi Waghole and her daughter were having illicit relations with co-accused Salman Mehraj Khan i.e. the Applicant in Anticipatory Bail Application No. 707 of 2020 and on account of their ill-treatment, the deceased Arun Waghole committed suicide.

3. Mr. Mohite, learned Counsel for the Applicants, submits that having regard to the contents of FIR, *prima facie* ingredients of Sections levied against the Applicants are not attracted. Even otherwise, the present case does not require custodial interrogation and therefore, both the Applications deserve to be allowed.

4. Per contra, Mr. Agarkar, learned APP, opposes the submission by contending that the investigation is in progress and having regard to the nature of accusation, the Applicants should not be given benefit of the pre-arrest bail.

5. I have carefully gone through the contents of the FIR. It appears from the FIR that the daughter of deceased and his wife were having illicit relations with Ritesh Patil, Salman Khan and Pramod Kudale and in connivance with them had threatened the deceased to defame him.

6. It is further alleged that the deceased was blackmailed by the Applicant Salman Khan and he also extracted monies from deceased. Thus, feeling embarrassed and harassed, the deceased committed suicide.

7. Having regard to the contents of FIR, in my considered opinion, *prima facie* the present case does not attract the ingredients of offence under Sections 306 of the IPC. It is nowhere alleged that the deceased was subjected to such an extreme position by Applicants that he had no other alternative but to commit suicide. The amount of abetment required as per mandate of Section 306 is *prima facie* missing.

8. In such circumstances, in my considered opinion, the Applicants have made out a case for consideration. Hence, the following order :

ORDER

- i) Both the Applications are allowed ;
- ii) The ad-interim protection granted by this Court on 2nd December, 2020 in Anticipatory Bail Application No. 807 of 2021 is confirmed and made absolute;
- iii) The ad-interim protection granted by this Court on 15th May, 2020 in Anticipatory Bail Application No. 707 of 2020 is confirmed and made absolute;
- iii) The Applications stand disposed of accordingly.

(V.G.BISHT, J.)