

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

**ANTICIPATORY BAIL APPLICATION NO.4 OF 2020
IN
INTERIM APPLICATION NO.74 OF 2020**

Seema Shashi Mishra

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

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Mr.Chaitanya R. Kulkarni a/w Mr. Pranav Pokale, Advocate for Applicant in ABA.

Mr. Sunil S. Kamble for applicant in IA.

Mr. S.R. Agarkar, A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 21stSEPTEMBER, 2021**

PC.

1. This is an application for anticipatory bail in connection with C.R. No.790 of 2019 registered with Loni Kalbhor Police Station, Pune Rural, for the offences punishable under Section 306 read with 34 of the Indian Penal Code (for short "IPC"). First Information Report ("FIR" for short) was lodged on 14th November, 2019, by the father of the deceased.

2. The prosecution case is that the deceased was acquainted with accused No.1 (daughter of applicant). The parents of the deceased had advised him to keep away from accused No.1. It

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is further alleged that it was subsequently learnt that the deceased was having love affair with accused No.1 She used to threaten the deceased. The deceased had also parted an amount of Rs. 2 lakhs to the applicant. He was being harassed and hence allegedly committed suicide. The incident of suicide had occurred on 24th September, 2019. Whereas, the FIR was lodged on 14th November 2019 i.e. after the period of about 50 days.

3. Learned APP submitted that the deceased was subjected to harassment by the accused. The amount of Rs. 2 lakhs was parted to the applicant which is fortified by the evidence.

4. Learned counsel for the applicant submitted that the accused No.1 had preferred an application for anticipatory bail before the Court of Sessions. The said application has been allowed by learned Additional Sessions Judge, Pune by order dated 29.08.2020. It is submitted that the allegations against the accused No.1 was that she was acquainted with the deceased and there was a love affair between them.

5. Learned counsel for the intervener opposed the grant of anticipatory bail. It is submitted that on account of harassment caused to the deceased by the applicant and co-accused. She was compelled to commit suicide. The applicant has played vital role in instigating and thereby abetting the suicide. Custodial interrogation of the applicant is necessary.

6. As stated above the victim and the accused No.1 were allegedly closely acquainted with each other. The victim committed suicide on 21.09.2019. The FIR was registered after period about 50 days. The applicant was granted interim protection vide order dated 03.01.2020. She was directed to attend the investigating officer on 8th to 10th January, 2020. Learned counsel for the applicant submitted that the applicant complied the direction to attend the Investigating Officer. Thereafter, the accused No.1 has been granted anticipatory bail by the Sessions Court vide order dated 29.08.2020 while allowing the said application it was observed that, the alleged incident had occurred on 24.09.2019 and FIR was lodged on 13.11.2019. The document indicated that from 15.09.2019 the accused No.1 had gone to Russia and she was not present in India at relevant time. After return to India she attended the police station and co-operated in the investigation. In such scenario, the investigation can be proceeded by putting necessary condition on the said accused and immediate custody is not necessary.

7. Considering the factual aspects as above, the applicant need not be subjected to custodial interrogation.

ORDER

- (i) Anticipatory bail Application No.4 of 2020 is allowed.
- (ii) In the event of arrest of applicant in C.R. No. 790 of

2019 registered with Loni Kalbhor Police Station, Pune Rural, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/-, with one or more sureties in the like amount;

- (iii) The applicant shall attend the Investigating Officer as and when called for.
- (iv) Application stands disposed of.
- (v) Interim application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)