

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

ANTICIPATORY BAIL APPLICATION NO.703 OF 2021

Suyog Deepak Bole ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Dilip P. Devadiga i/b. Mr. Sanjay D. Gaikwad, Advocate for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

Mr. Jagannath Shinde, (API) Mulund Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th MARCH, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. I-572 of 2020 registered with Mulund Police Station, Mumbai for offence under Section 306 of Indian Penal Code. The First Information Report was registered on 24th August, 2020.

2. The complainant has alleged that the victim was his adopted daughter. On 21st August, 2020, he noticed that the victim was being taken to hospital in auto-rickshaw. He was told that the victim had committed suicide by hanging to the ceiling fan in her house. Suicide note was found. The complainant learnt that the victim and applicant were having love affair. They had decided to marry. The applicant thereafter, avoided to perform marriage. There were quarrels between them.

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3. The applicant had preferred the application for anticipatory bail before the Sessions Court which has been rejected by order dated 26th February, 2021.

4. Learned counsel for the applicant submitted that no overt act has been attributed to the applicant which would amount to abetment to commit suicide. The incident had occurred on 21st August, 2020. The applicant was called at the Police Station for inquiry after the incident and thereafter, FIR was registered on 24th August, 2020.

5. Learned APP submitted that there are statements of eye witnesses which would indicate that the victim was having affair with the applicant and the applicant was refusing to perform marriage. The suicide note was also found during investigation which refers to the name of the applicant with writing executed by the victim. It is submitted that there are whats-app chats between the applicant and victim and statements of witnesses which shows that the applicant and victim were having an affair and that the applicant was not willing to perform marriage.

6. I have perused the suicide note produced by the investigating officer. Contents of suicide note indicates that she has choosen her path. She is committing suicide. Nobody should be

blamed for her suicide. After her death people should not blame applicant. He should not be troubled. Thus, the contents of suicide note prima facie does not indicate that the applicant has abetted suicide. Considering these circumstances, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No.703 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with in C.R. No. I-572 of 2020 registered with Mulund Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the investigating officer as and when called for till filing of charge-sheet.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)