

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1479 OF 2021
WITH
INTERIM APPLICATION NO.2235 OF 2021

Sagar Pralhad Sawant

Applicant

versus

The State of Maharashtra

Respondent

Adv.Anil K. Lulla with S.Prajapati for applicant in ABA.

Mr.S.R.Agarkar, APP, for State.

Mr.Atit Shirodkar for intervenor.

CORAM : PRAKASH D. NAIK, J.

DATE : 15th September 2021

PC :

1. This is an application for anticipatory bail in CR No.148 of 2021 registered with Wada Police Station for offences under Sections 306, 504, 506 of Indian Penal Code. The FIR was registered on 1st May 2021.

2. The victim has committed suicide on 10th February 2021. The FIR was registered two months after the said incident. The case of the complainant is that the victim had performed marriage with applicant. The marriage of the victim was to be solemnized with another boy. The applicant used to threaten the victim and hence she committed suicide.

3. From the documents annexed to this application it is apparent that the victim and the applicant were in relationship for a long time since 2011. The documents also indicate that they have performed

marriage. Considering the factual aspects, presently interim protection can be granted to the applicant with instructions to co-operate with investigation.

4. Learned counsel for applicant submitted that marriage between victim and applicant was performed on 24th November 2020. The incident of suicide was occurred on 10th February 2021. At the time of suicide the victim was at her parental home. The FIR was lodged by father of victim after about three months. He relied upon photographs attached to the application and whats app chats between victim and applicant and submitted that the relationship between them was cordial. The photographs did not indicate that victim was under some coercion or threat after performance of marriage. On account of caste of both the parties there was resistance for marriage on the part of father of the victim. The allegations spelt out in the FIR are after thought and concocted. There is nothing to show that the applicant has caused any harassment, instigation to compel the victim to commit suicide.

5. Learned APP submitted that during the course of investigation the cell phone of the applicant has been taken into custody and it has been forwarded for forensic examination.

6. Learned counsel for intervenor submitted that the FIR spells out the overt act attributed to the applicant. He pointed out the affidavit purportedly executed by the victim on 22nd October 2020 stating that the marriage was performed with her under coercion. She is residing with her parental home. The whats app chats indicate that the victim was being forced to take divorce.

7. The applicant was granted interim protection by this Court vide order dated 28th June 2021. The FIR was lodged after a period of about 3 months of the incident. Undisputedly the incident had occurred while the victim was at the parental home. The FIR was lodged belatedly. The affidavit relied upon by intervenor was executed about a month after marriage. The photographs clicked at the time of marriage and events thereafter would indicate that the relationship between the applicant and victim was cordial. The demeanor of the persons in the photograph did not reflect that victim was under pressure or coercion or intimidated to perform the marriage. The whats app chats also support the aforesaid observations.

8. In the light of aforesaid factual aspects, the applicant need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 28th June 2021 is confirmed;
- (iii) In the event of arrest of applicant in CR No.148 of 2021 registered with Wada Police Station, District Palghar, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount'
- (iv) The applicant shall appear before Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST