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

CRIMINAL BAIL APPLICATION NO. 2419 OF 2021

VIGHNESH UMESH SANGEKAR

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. D. S. Manerkar advocate for the applicant

Mr. A. R. Kapadnis APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: 11th OCTOBER, 2021.

P.C.:

1] Applicant is seeking bail in C.R. No. 375/2021 registered with Malad Police Station for offence punishable under Sections 306, 376(2)(n), 420, 417 r/w 34 of the Indian Penal Code.

2] Case of the prosecution is, applicant assured to marry deceased however on flimsy ground, backed out from his promise. During such relation, it is claimed that applicant had sexual intercourse, as a result of which victim was forced to commit suicide. As such, offence under Section 306 of the Indian Penal Code. Since

the applicant had promised but backed out from the marriage, Section 420 of the Indian Penal Code has been invoked against the applicant.

3] The fact that applicant has promised to marry deceased can be inferred from the record, however, as far as offence under Section 376 of IPC is concerned, but for voluntary disclosure by the applicant to the doctor, there is no incriminating material on record to infer such offence against the applicant.

4] Apart from above, it cannot be inferred that as a consequence of refusal by the applicant to marry the victim, the victim will be committing suicide, a fact which was not within the knowledge of the applicant.

5] Applicant is already subjected to custodial interrogation and he is behind the bars for last more than 5 months.

6] As such, case for grant of bail is made out. Hence, following order.

(i) Applicant be released on bail in C.R. No. 375/2021 registered with Malad Police Station for offence punishable under Sections 306, 376(2)(n), 4209, 417 r/w 34 of the Indian Penal Code upon furnishing P.R. bond in the sum of Rs. 15,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

(iii) Applicant shall remain outside the jurisdiction of the concerned police station till the conclusion of trial.

7] Application stands disposed of.

[NITIN W. SAMBRE, J.]