

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

ANTICIPATORY BAIL APPLICATION NO. 1996 OF 2021

1. Kusum Ramchandra Repe
2. Shashikant Ramchandra Repe
3. Amol Anandrao Repe ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Prasanna K. Shahane, Advocate for the Applicants.

Mr. S. H. Yadav, APP for the Respondent – State.

Mr. Pandhari Kande, (P. I.) Kalyan Railway Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 23rd SEPTEMBER, 2021

PER COURT:

1. The applicants are apprehending arrest in C.R. No. 539 of 2021 registered with Kalyan Railway Police Station, on 26th July, 2021 for offence under Section 306 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The complaint is filed by the brother of deceased. The applicant No.2 is the husband of deceased. The marriage was performed in 2011. The alleged incident had occurred on 10th July,

2021. The victim had allegedly committed suicide on the railway track along with minor child.

3. The applicants were granted interim protection vide order dated 24th August, 2021. While granting interim protection this Court had observed that the primary evaluation of the FIR does not suggest that applicants having aided, abetted or instigated the deceased to commit suicide. Although the FIR suggests that the temperament of deceased and her husband hardly matched but that by itself it cannot be said that applicants lend a hand or intentionally encouraged the victim to commit suicide. The allegations of abetment is not borne out from the allegations made against the applicants.

4. Learned counsel for the applicants submitted that it is not the case of suicide but it's an accident. The marriage between the parties was performed about 10 years ago. There are no previous complaints.

5. Learned APP submitted that the applicant No.2 was suspecting the character of the deceased. There were quarrels between the parties.

6. On perusal of the FIR and the other documents, there is no reason to deviate from the observations made by this Court

while granting interim protection and hence, the interim relief deserved to be confirmed. The applicants were directed to appear before Investigating Officer and the said directions are complied.

7. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 1996 of 2021 is allowed;
- (ii) Interim order dated 24th August, 2021 is confirmed.
- (iii) In the event of arrest of the applicants in connection with C.R. No. 539 of 2021 registered with Kalyan Railway Police Station, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iv) The applicants shall attend the investigating officer as and when called for till filing of charge-sheet.
- (v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)