

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

CRIMINAL APPLICATION NO. 430 OF 2017

Manjula Baban Jadhav Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Ammar I. Nizami i/b. Md. Umar Kazi for the Applicant.
Mr. P.H. Gaikwad, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th OCTOBER, 2021.

P. C. :-

. This is an Application under Section 439(2) of Cr.P.C. for cancellation of pre-arrest bail granted to Respondent No.2 vide order dated 16/06/2017 passed by the District Judge-2 & Additional Sessions Judge, Kalyan in Anticipatory Bail Application No.685/2017.

2. The Applicant had lodged the first information report against Respondent No.2 alleging that the Respondent No.2 had abetted suicide of her daughter. Pursuant to the said report, C.R.No.I-57/2017 was registered against Respondent No.2 with Badlapur (east) Police Station for offences punishable under sections 306, 506 of the Indian Penal Code. Apprehending his arrest in the said crime, the Respondent

No.2 filed Application for pre-arrest bail which has been sought to be cancelled on the ground that the order is perverse.

3. Heard Mr. Ammar Nizami, learned counsel for the Applicant and Mr. P.H. Gaikwad, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The learned Additional Sessions Judge while granting the pre-arrest bail has observed that the deceased was in love with the Respondent No.2 and that their relationship was opposed by the Applicant. The deceased had therefore committed suicide in her home. The learned Judge has observed that there was no prima facie material to show that the Respondent No.2 had abetted suicide of the daughter of the Applicant. Having gone through the records, in my considered view, there is no prima facie material to prove abetment as defined under section 107 of the Indian Penal Code. Hence, the order cannot be said to be perverse. There is no merit in the Application. Hence, the Application is dismissed.

PREETI
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JAYANI

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(SMT. ANUJA PRABHUDESSAI, J.)