

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

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
CHITTEWAN
Date: 2021.08.30
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ANTICIPATORY BAIL APPLICATION NO.2185 OF 2019

Santoshkumar Dayaram Gupta

And Others

... Applicants

Versus

The State of Maharashtra

... Respondents

.....

Ms. Prajakta Shinde i/b Sunny A. Waskar for the Applicants.

Mr. P.H. Gaikwad, APP for the State.

Mr. Amar Dhenge, API, Bangur Nagar Police Station.

.....

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 25 AUGUST 2021

P. C. :

. The Applicants have filed this application under Section 438 of the Code of Criminal Procedure apprehending their arrest in C.R. No.325 of 2019, registered at Bangur Nagar Police Station for offences under Sections 306, 498(A), 406 and 34 of the Indian Penal Code.

2 Applicant No.1 is husband, Applicant No.2 is mother-in-law and Applicant No.3 is brother-in-law of the deceased Ruby Sahu. The marriage of Applicant No.1 was solemnized in the year 2017. She committed suicide on 14 September 2019. The brother of the deceased lodged a FIR alleging that Applicant No.1 was having extra marital relationship. He claimed that the Applicants had subjected the

deceased to cruelty for not meeting their demand of dowry.

3 The allegations of cruelty and demand for dowry are general in nature. *Prima facie* the material on record does not make out a case of abetment of suicide within the meaning of Section 107 of the Indian Penal Code. Considering the nature of the allegations levelled, this court (Coram : Revati Mohite Dere, J.) by an order dated 10 October 2019, had granted interim protection to the aforesaid Applicants with directions to report to the Investigating Officer on the dates specified in the order. It is stated that the Applicants have complied with the said directions and have cooperated with the investigation. Learned APP states that the investigation has been completed and charge-sheet will be filed within two weeks. Considering this fact as also the nature of the allegations levelled, in my considered view, this is a fit case to grant pre-arrest bail on the following terms and conditions :-

- (i) In the event of arrest of the Applicants in C.R. No.325 of 2019 registered with the Bangur Nagar Police Station, Mumbai, the Applicants be enlarged on furnishing P.R. Bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand Only) each with one or two solvent sureties in the like amounts;
- (ii) The Applicants shall not interfere with the witnesses, or tamper with the evidence in any manner ;

- (iii) The Applicants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

4 Application is disposed of in the above terms.

(SMT. ANUJA PRABHUDESSAI, J.)