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

**ANTICIPATORY BAIL APPLICATION NO. 2635 OF 2019
WITH
INTERIM APPLICATION NO. 1683 OF 2019**

Alkeshkumar Bhagvanbhai Chaudhari Applicant
Vs.
The State of Maharashtra Respondent

Mr.Abad Ponda, Sr. Advocate i/b Mr.Karan L. Jain, for the
Applicant in ABA/2635/2019.

None for the Intervener.

Smt.M.R. Tidke, APP for the Respondent - State.

Mr.B.B. Salunke, PSI, Kasarwadavli Police Station.

CORAM : M.S.KARNIK, J.

DATE: OCTOBER 25, 2021

P.C. :

. Heard learned Counsel for the applicant. None appears for the Intervener even on the second call. This is an application for grant of pre-arrest bail in respect of the offences registered against the applicant in Crime No. 223 of 2019 registered with Kasarvadavli Police Station under Section 306 read with Section 34 of the Indian Penal Code.

2. The applicant is a Police Officer attached to Raper Police Station, District - Kutchch, State - Gujarat. It is alleged that deceased and her mother, though had lodged complaint about the disputes and differences the deceased had with her husband and in-laws, the applicant did not take any steps to initiate criminal action against the in-laws. It is alleged that since August 2019, deceased was residing at Thane at her mother's house. On 01/09/2019, deceased committed suicide along with her minor children and left a suicide note blaming the in-laws and applicant for causing abetment to commit suicide.

3. I have gone through the suicide note. In the said suicide note, allegations of harassment are mainly against the husband and in-laws. Against the applicant, it is alleged that applicant supported the in-laws. In the FIR dated 03/09/2019 lodged by the brother of the deceased, it is stated that the applicant in his capacity as PSI of the said Police Station was not responding to the complaints made by the deceased with a view to help the in-laws. In the

complaint it is further stated that the applicant was supporting the mental and physical harassment that the in-laws caused to the deceased.

4. Learned APP opposed the application. On instructions, it is submitted that the applicant was transferred from the concerned Police Station on 15/06/2019 whereas the unfortunate incident is dated 01/09/2019. The allegation against the applicant is that as PSI of the concerned Police Station, he failed to take legal action against the in-laws and therefore even the applicant is responsible for the abetment of the said offence. Considering the distance of time from the date of transfer to the date of incident and having regard to the nature of allegations, in my opinion, having regard to the facts and circumstances of the present case and as the applicant is already granted interim protection since 02/12/2019, the interim order deserves to be confirmed. Hence the following order.

ORDER

(i) The order dated 02/12/2019 passed by this Court is confirmed.

(ii) In the event of arrest of the applicant, the applicant be released on bail in connection with Crime No. 223 of 2019 registered with Kasarvadavli Police Station on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall co-operate with the investigation and shall report to the Investigating Officer as and when called for.

(iv) The applicant shall furnish the particulars of his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, to the Investigating Officer of the concerned Police Station within one week from today.

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

5. Application is disposed of. In view of disposal of

the Anticipatory Bail Application, Interim Application No. 1683 of 2019 does not survive and the same stands disposed of.

(M.S.KARNIK, J.)