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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.613 OF 2022

DEEPAK S/O. PUNJU BAVISKAR @ BAVASKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Jadhav Kiran D
APP for Respondent/State : Mr. K.S. Patil
Advocate for Respondent No.2 : Mr. Rahil R. Kazi

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CORAM : S.G. MEHARE, J.
DATED : 26th JULY, 2022

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent no.2 at length.
2. The prosecution has a case that the applicant was following and teasing the deceased. Hence, she committed suicide in her house. It has been alleged against the applicant that he was teasing her; therefore the victim and her father went to lodge the report on 13.12.2021. However, the respected persons from the community explained to the applicant, and that matter was settled in the police station itself. The police recorded the statement of the applicant wherein he admitted that henceforth, he would not tease or follow her. It is the allegation against the applicant that on 23.12.2021, he again threatened the deceased that if she did not listen to him, he would spoil her life. It has been alleged that since she was continuously threatened and teased, she committed suicide.

3. Learned counsel for the applicant has vehemently argued that the deceased had one-sided love with the applicant. On 23.12.2021, he gave an interview at Pune at around 10.45 am. On the same day, the appointment letter was handed over to him in the evening. Since the deceased committed suicide, false allegations of threatening her on that day have been levelled against the applicant. The applicant left the village in December 2021 itself. He was preparing for the competitive examination at Pune. He also has the case that the deceased loved him one-sidedly and went to his home to meet him. The applicant and his parents went to her home; however, instead of listening, the father of the deceased took them to the police station. The deceased was herself messaging him. She had admitted before the respected persons in the police station that she was messaging the applicant. The respected persons from the village intervened and settled the misunderstanding. He was sent to Pune.

4. Learned counsel for the applicant has vehemently argued that the applicant is not at all responsible for causing the suicidal death of the deceased. She was in one side love with the applicant. Her father is a drunkard. Since the applicant left the village in December 2021, the possibility of not bearing his parting with the village can also not be avoided. Besides this, the charge sheet has already been filed. The police have no material for his custodial interrogation. Hence, he may be released on anticipatory bail.

5. Learned APP has strongly opposed the application contending that a minor child had committed suicide due to the harassment at the hands of the applicant. Though the matter was settled earlier, the applicant did not stop harassing the deceased. Before the incident, the applicant had threatened the deceased that he would spoil her life; therefore, she committed suicide. The offence is serious; therefore, the applicant cannot be set at liberty under anticipatory bail.

6. Learned counsel for respondent no.2 has referred to the statement of the applicant dated 13.12.2021 and vehemently argued that the applicant has confessed that he was following and teasing the deceased. He also argued that the applicant did not stop harassing and following the deceased even after the settlement and confession. The deceased was a young minor girl. She committed suicide due to the harassment of the applicant to her. Therefore, the application may be rejected.

7. From the record, it appears that there was a settlement between two families, and the dispute was settled on 13.12.2021 in the police station. The said settlement reveals that after 13.12.2021, the applicant was sent to Pune. This statement corroborates the defence of the applicant that in December 2021, he went to Pune. An appointment letter placed on record reveals that on 23.12.2021, at about 10.45 am, he was giving an interview for a job. On the very

same day at about 05.00 pm, appointment letter was handed over to him. Considering the distance between the village of the applicant and Pune, it seems impossible to be present on 23.12.2021 in his village. Considering this fact, the applicant appears to have a strong case for his absence in the village on 23.12.2021. Besides this, the factum reveals that the deceased committed suicide in her house. The prosecution has nothing to show that the custodial interrogation of the applicant would serve the purpose. The Investigating Officer has also submitted the charge sheet to the Court of law. This indicates that the investigation may not be interested in custodial interrogation. Considering these aspects and facts of the case, this Court is of the view that the custodial interrogation of the applicant may not serve the purpose, and if the interim protection granted to the applicant is confirmed, the prosecution may not suffer any loss or prejudice. Hence, the following order :

ORDER

- I) The application is allowed.
- II) Interim protection granted to the applicant by order dated 13.05.2022 is confirmed on the same terms of bail bonds and conditions. However, the condition to attend the police station as and when called is released since the charge sheet is filed.

(S.G. MEHARE, J.)