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

ANTICIPATORY BAIL APPLICATION NO. 1239 OF 2022

Akshay @ Pappu Gorakh Udamale

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Rahul S. Kate, Advocate, for the Applicant

Mrs. M. R. Tidke, APP, for the Respondent – State

Mr. Balasaheb Jadhav, PSI, Baramati City Police Station,
District – Pune present

CORAM : VINAY JOSHI, J.

DATE : 05.05.2022

P. C.

. In anticipation of arrest in C. R. No. 171 of 2022 registered with the Baramati City Police Station, District – Pune for the offence punishable under Section 306 r/w 34 of the Indian Penal Code, the applicant is seeking pre-arrest bail.

2. The State opposed bail by contending that the offence is of serious nature and there is suicidal note in the form of video recording.

3. At the instance of report lodged by brother of informant, crime has been registered. It is the informant's case that his brother-Sachin (deceased) was residing at his in-laws house. On 26.03.2022, he received telephonic message from the wife of the deceased that his brother - Sachin died due to heart attack. In fact, Sachin died by way of hanging. On 10.04.2022 while informant was verifying mobile hand set of the deceased he came across two video clips. In the said video clips, the deceased stated that his wife has harassed him to great extent for which he is committing suicide. The deceased stated that his mother-in-law and brother-in-law (applicant) also harassed him. On the basis of said video clips, FIR has been lodged.

4. Perused investigation papers. Besides concerned video clips, there is nothing to indicate that the applicant has intentionally abated the deceased to commit suicide. The video clips assigns main role to the wife of the deceased, who is already under arrest. It appears that a general statement was made against the applicant and his mother about

harassment. The police papers do not speak about any prior incident of harassment at the hands of applicant. My attention is invited to the statement of friend of the deceased namely Pramod, who stated that he has seen the said video clips on 27.03.2022. Pertinent to note that despite watching video clips, he never disclosed the thing which prima facie creates suspicion. The other statements do not specify the act of applicant. In order to constitute an offence of abatement to commit suicide, there must be adequate mens rea. The act should be of such nature that the deceased should have no other option than to take extreme step. Considering the nature of accusation, the applicant's liberty can be protected by directing him to join the course of investigation. In view of that the following order.

ORDER

- (i) The Application stands allowed;
- (ii) In the event of arrest, the applicant namely - Akshay @ Pappu Gorakh Udamale in C. R. No. 171 of 2022 registered with the Baramati City Police Station, District - Pune for the offence punishable under Section 306 r/w 34 of the Indian Penal Code, be released on bail on his furnishing

P. R. Bond of Rs. 25,000/- with one or two sureties in the like amount;

(iii) The applicant shall attend the concerned Police Station on every Sunday in between 10.00 a. m. to 12.00 noon to facilitate the investigation till filing of charge-sheet;

(iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

5. The Application stands disposed of.

(VINAY JOSHI, J.)