

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.4 OF 2023

Anil @ Raj Mahadev Dhage ...Applicant

Versus

The State Of Maharashtra And Another ...Respondents

Mr. S.G. Kawade, Advocate for applicant.

Mr. A.V. Deshmukh, APP for respondents.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd FEBRUARY, 2023

ORDER :

1. Applicant apprehends arrest in Crime No. 146 of 2021, registered with Manwat Police Station, Parbhani, for offence under section 306 of the Indian Penal Code.

2. FIR is lodged by Shobha Athwale alleging that her daughter Divya was prosecuting nursing course at Manwat. On 20.05.2021, Divya hang herself. Suicide note written by her was found there, wherein it is mentioned that she was in love relation with applicant and applicant has abetted her suicide.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

Bhagyawant Punde

4. FIR of the incident dated 20.05.2021 is lodged on 25.05.2021. Though, deceased has mentioned the name of the applicant to be responsible for her suicide. Tenor of the suicide note indicates that the applicant had given promise of marriage and subsequently he resiled from the same. From the facts of the present case and from the investigation papers, prima facie, it appears that ingredients of abetment are not made out.

5. The applicant was granted interim protection and was directed to attend the concerned police station. He has attended the concerned police station and has co-operated in the investigation. The investigation appears to be on the verge of completion. The applicant is serving at Mumbai and there is no likelihood of him to tamper with prosecution evidence or witnesses who are resident of taluka Manwat. In the facts of the present case pre trial custodial detention of the applicant is not necessary.

6. In the result, application is allowed.

7. In the event of arrest of applicant in connection with Crime No. Crime No. 146 of 2021, registered with Manwat Police

Station, Parbhani, for offence under section 306 of the Indian Penal Code, applicant shall be released on executing personal bond of Rs. 15,000/- with one surety in the like amount.

8. The applicant shall present himself before learned Judicial Magistrate First Class, Manwat, Parbhani, who has issued proclamation under section 82 of Cr.P.C. against the applicant.

9. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]