

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

ANTICIPATORY BAIL APPLICATION NO.1545 OF 2023

KUNAL RAJENDRA PATHAK
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. P. P. Giri
APP for Respondents: Mr. S. P. Sonpawale

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CORAM : R.M. JOSHI, J
DATE : OCTOBER 20, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 162 of 2023 registered with Vedant Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 306, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. First informant is mother of deceased. It is reported by her that present Applicant though he was already married, gave false promise of marriage to her daughter Sonali. It is stated that on 17.04.2022 he had abducted her. On that day, report was lodged by the first husband of deceased. Thereafter, in October, 2022 she came back home. Thereafter she divorced her husband. It is alleged that though she divorced her

husband Applicant was not marrying her. Hence, she lodged complaint dated 14.02.2023 with police. Thereafter on 31.03.2023 Sonali got married with Applicant. It is alleged in the FIR that thereafter Applicant and his wife used to cause physical and mental harassment to her. This was informed by her to informant. It is further alleged that on 16.06.2023 accused came to the house of the informant and raised quarrel with deceased and also assaulted her. On 15.08.2023 deceased committed suicide.

3. Learned Counsel for the Applicants submits that the Applicant had performed marriage with deceased on 31.03.2023 and in support of his submissions, he placed reliance on document on record. It is submitted that though earlier complaint was made by deceased in the month of February, 2023, her grievance was redressed with Applicants marrying her. It is submitted that there is no complaint with regard to the incidents mentioned in FIR except for the complaint dated 14.02.2023 lodged by the deceased. It is submitted that Applicant was paying installments toward the loan of two wheeler vehicle. It is his

further submission that the Applicant and deceased married secretly and this was not within the knowledge of the relatives of the deceased and after the said fact was revealed to them, they started harassing her. It is his submission that it is possible that as she could not bear the said harassment, she committed suicide.

4. Learned APP opposed the application by submitting that the statement of informant gets supports from the statement of brother of deceased. He also drew attention of the Court to the complaint dated 14.02.2023 lodged by deceased against Applicant. It is submitted that offence is serious in nature and hence, this is not a fit case for grant of anticipatory bail.

5. Perusal of the record no doubt indicates that on 14.02.2023 complaint was made by the deceased against present Applicant. Perusal of the complaint, however, disclose that she had grievance about Applicant not marrying her in spite of giving assurances to that effect. The document placed on record indicate that on 31.03.2023 marriage was performed by Applicant with the deceased at Nashik. Affidavit executed by the

deceased is also indicate so. Police papers show that after the said marriage, complaint was withdrawn by the deceased. It is thus clear that grievance made by the deceased by complaint dated 14.02.2023 did no survive. As far as the allegation in the FRI about the incident of 16.06.2023 and the harassment caused by the Applicant to her, there is nothing on record to indicate that any complaint was made either by the deceased or informant in this regard. Documents on record *prima facie* indicates that deceased and Applicant were in touch with each other continuously and that the money was also transferred by the Applicant to deceased.

6. Having regard to these facts, there is possibility of suicide being committed by deceased after the knowledge of her relatives about the said marriage. *Prima facie* this Court finds no material to indicate that for the harassment caused by the Applicant, committed suicide. Nothing is to be recovered at the instance of Applicant.

7. In view of above, application stands allowed. Hence, the order:

O R D E R

- (i) In the event of arrest the of Applicant in connection with with C.R. No. 162 of 2023 registered with Vedant Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 306, 323, 504, 506 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (ii) He shall attend the concerned police station as and when required.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani