

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

ANTICIPATORY BAIL APPLICATION NO. 1419 OF 2023

Mr. Vijay Bharat Ghogare	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Abhijit Kulkarni a/w. Mr. Chinmay Patil for the Applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Kiran Ghongade, PSI, Madha Police Station, Solapur, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 07th JULY, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.65/2023 registered with Mhada Police Station, Solapur Rural for offences punishable under sections 306, 323, 498-A r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by Dattatraya Vishwanath Ambure, the father of the deceased – Swati. The marriage of the deceased Swati and Bhagat Singh, the brother of the Applicant herein was solemnized on 13/07/2021. She committed suicide on 01/02/2023, allegedly for not meeting unlawful demand of dowry.

3. The facts narrated in the FIR reveal that the deceased was working as a Police Constable attached to Mohol Police Station. The husband of the deceased was unemployed. His family members including the Applicant herein were pressurizing the deceased – Swati to take loan and help him in setting up an electronic appliances shop. It is stated that the Applicant herein had compelled the deceased – Swati to take loan from Axis Bank. It is alleged that in the month of February, 2022, the Applicant herein had pressurized the deceased to avail loan and that she handover the loan amount to him. It is further stated that she had paid Rs.30,000/- to the Applicant to purchase the mobile.

4. Apart from these two allegations, there is no specific role attributed to the Applicant to indicate that he had either abetted, aided or instigated the commission of suicide. The fact that the Applicant and deceased had made several calls to each other per se cannot be construed as an act of abetment within the meaning of section 107 of Cr.P.C. On the contrary, this fact would prima facie suggest that their relationship was cordial.

5. As noted above, the deceased as well as the Applicant were Police Constables attached to the same police station. The deceased had not lodged any complaint against the Applicant nor reported the incident to her superiors. In the absence of such material, prima facie, offence under section 306 and 498-A is not made out.

6. Considering the above facts and circumstances, this Court by order dated 09/06/2023 had granted interim bail to the Applicant. It is stated that the Applicant had reported to the Investigating Officer and he has been interrogated. In view of the above, no case is made out for custodial interrogation. Hence, the interim bail granted vide order dated 09/06/2023, stands confirmed. The Applicant shall report to the Investigating Officer as and when required.

7. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)