

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

ANTICIPATORY BAIL APPLICATION NO.1668 OF 2023

Mangesh Dhanaji Gore

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Sachin M. Bhavar for the Applicant.

Mr. R.M. Pethe, APP for the Respondent -State.

Mr. R.A. Shaikh, H.C., Kurduwadi Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JUNE, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.526 of 2022 registered with Kurduwadi Police Station, Solapur (rural), for the offences punishable under Sections 306, 504 and 506 r/w 34 of the IPC.

2. Heard Mr. Sachin Bhavar, learned counsel for the Applicant and Mr. R.M. Pethe, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Dattatray Shankar Karale, husband of the deceased. The facts narrated in the FIR prima facie reveal that the deceased was having illicit relationship with the co-accused Dhanu Netke. The First Informant claims that the deceased had informed him that she had given sum of Rs.1,00,000/- to Dhanu Netke without his knowledge and consent. There was an argument between the First Informant and his deceased-wife over the said issue. He claims that the co-accused - Dhanu Netke used to constantly call the deceased. He has stated that about four days prior to the incident, the deceased had gone to the village of the co-accused demanding repayment of money. He claims that the co-accused -Dhanu Netke did not repay the money and on the contrary, he abused and threatened the deceased. The only allegation against the Applicant is that he is the friend of Dhanu Netke and that he too had threatened to cause her death.

4. The facts narrated in the FIR do not prima facie indicate that the Applicant herein had instigated, aided or abetted commission of suicide.

5. Under the circumstances, this is a fit case to exercise discretion under Section 438 of the Cr.P.C. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.526 of 2022 registered with Kurduwadi Police Station, Solapur (rural), the Applicant shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. on 19/06/2023 and 20/06/2023 between 11.00 a.m. to 2.00 p.m. The Applicant shall handover his mobile phone and co-operate with the investigation
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or

mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)