

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

ANTICIPATORY BAIL APPLICATION NO. 1892 OF 2023

Nagaraj Yallasani Vyankatesh Yadav	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Priyal G. Sarda for the Applicant.
Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2023.

P. C. :-

. The Applicant apprehends his arrest in C.R.No.296/2023 registered with M.I.D.C. Police Station, Solapur for the offence punishable under section 306 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the 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 Surekha Sarwade, the sister of the deceased – Archana. The facts narrated in the FIR prima facie reveal that the father-in-law of the deceased - Archana had gifted to her a house property admeasuring

3000 sq. feet. Said Archana sold 1000 sq. feet of the property to the Applicant for an amount of Rs.23,00,000/-. She again sold portion of the land to the Applicant for an amount of Rs.40,00,000/-. It is alleged that the Applicant harassed her by non-payment of money. She went into a state of depression and committed suicide on 01/05/2023.

4. The material on record does not prima facie indicate that the Applicant had instigated, abetted or aided the commission of suicide. The facts narrated in the FIR even if accepted in its entirety, do not prima facie constitute offence of abetment within the meaning of section 107 of the Indian Penal Code. Hence, this is a fit case to exercise discretion under section 438 of Cr.P.C. Under the circumstances, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.296/2023 registered with M.I.D.C. Police Station, Solapur, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days i.e., on 11/07/2023 and 12/07/2023 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigating Officer ;

(c) The Applicant shall not interfere with the complainant and the other prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) 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.

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)