

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

ANTICIPATORY BAIL APPLICATION NO. 2260 OF 2023

Babaso Dattatray Behere

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Aniket Nikam a/w. Aashish Satpute and Mr. Amit Icham for the Applicant.

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

**CORAM : ANUJA PRABHUDESSAI , J.
DATED : 10th AUGUST, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.921 of 2022 registered with Sangola Police Station, Solapur for offences under Section 306, 498A r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, 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 Rajgopal Avalkar, brother of deceased Mahalaxmi @ Geeta. The facts narrated in the FIR reveal that the marriage of the deceased and co-

accused Prasad was solemnized on 24.06.2006. They have two children from the said wedlock. The first informant claimed that the deceased had visited her matrimonial home on 7.8.2022, and she had informed the first informant and other family members that she was being ill-treated by her husband and other family members. She was reluctant to return to her matrimonial home. The first informant claims that they sent her to her matrimonial home within about four to five days. On 7.8.2022, they received a phone call that the deceased has committed suicide. The first informant therefore lodged the FIR alleging that the deceased had committed suicide because of the cruelty meted out to her by her husband and mother-in-law.

4. Initially, the crime was registered only against the husband and the mother in law of the deceased. The applicant was arrayed as accused subsequently on the basis of the statement of one Rohit Khade. The statement of Rohit Khade prima facie reveals that he had come in contact with the deceased in March, 2022. She had informed him that she was unmarried and proposed him to marry her. Said Rohit Khade subsequently learnt that the deceased was a married woman. She also disclosed that she was having relationship with the applicant herein, and that he had come across certain photographs on her whatsapp, and was threatening to forward the same to her husband. He states that the deceased was scared that the applicant would forward the photographs

to her husband. She had requested him to take her along with him. However, he had refused, since his marriage was already fixed. He claims that the deceased committed suicide as she was scared that the applicant would forward the photographs or disclose about her extra marital relationship to her husband. The facts narrated in the FIR, accepted in their entirety, in my considered view would not prima facie constitute abetment within the meaning of 107 of IPC.

5. Considering the above facts and circumstances, in my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C. Hence the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.921 of 2022 registered with Sangola Police Station, Solapur, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 16th and 17th August, 2023, between 11.00 a.m. to 2.00 p.m.
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)