

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

ANTICIPATORY BAIL APPLICATION NO. 236 OF 2023

1. Bapu Dagdu Katakbound	
2. Smita Bapu Katakbound	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Nitesh Y. Bhutekar for the Applicants.
Mr. R.M. Pethe, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th MARCH, 2023.

P. C. :-

1. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant for pre-arrest bail in C.R.No.2357/2022 registered with Sakinaka Police Station, Mumbai for offences punishable under sections 306, 384, 323, 504, 506, 120-B of the Indian Penal Code.

2. Heard learned counsel for the Applicants 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 Chhaya Maruti Sadaphule, the mother of the deceased. The FIR reveals that the daughter of the Complainant was friendly with the son

of the Applicants herein. The FIR indicates that the Applicants opposed the marriage, demanded dowry and that the marriage could not be performed since the parents of the deceased were unable to meet their demands. She claims that despite such opposition, the son of the Applicants continued his relationship with the deceased on an assurance that he would marry her. It is stated that the son of the Applicants got married on 14/12/2022. The daughter of the Complainant went to the venue of marriage but was not allowed to enter. She was in a total disturbed state of mind and committed suicide on the same date. In the suicide note, the deceased has acknowledged that she was in depressed state of mind since last 04 years and that she committed suicide because of the promise by the son of the Applicants to marry her.

4. On going through the entire records, the allegations against the Applicants do not prima facie constitute 'abetment' within the meaning of Section 107 of the Indian Penal Code. Under the circumstances, this is not a case which would justify custodial interrogation. Moreover, the Applicants were already on interim bail since 25/01/2023. They have reported to the Investigating Officer and co-operated with the investigation. Hence, the Application is allowed on the following terms

and conditions :-

- (a) In the event of arrest of the Applicants in C.R.No.2357/2022 registered with Sakinaka Police Station, Mumbai, they shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount ;
- (b) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer ;
- (c) The Applicants shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (d) The Applicants shall keep the Investigating Officer informed of their 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.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2023.03.13
15:08:02 +0530

(SMT. ANUJA PRABHUDESSAI, J.)