

AGK

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

ANTICIPATORY BAIL APPLICATION NO.373 OF 2023

Pratish Vilas Arde

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Vikas K. Singh for the applicant.

Mrs. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 26, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.133 of 2022 dated 20 October 2022 registered at Mahad City Police Station for the offences punishable under Sections 306, 498-A, 304-B, 323 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, marriage between the applicant and the deceased was solemnized in the year 2017 and are blessed with a son. According to prosecution, the applicant along with father-in-law and mother-in-law were constantly harassing the deceased for non-payment of dowry. In the year 2020, the applicant, deceased and their son shifted to Mahad but the harassment continued. The deceased used to tell her parents about

the harassment. On 14 October 2022 the deceased committed suicide by hanging which resulted in filing of report.

3. The applicant, therefore, filed an application before the learned Sessions Judge which came to be rejected by order dated 2 January 2023. The applicant, therefore, approached this Court by way of present anticipatory bail application.

4. On perusal of the material on record, at this stage no proximate cause is brought on record which prompted the deceased to commit suicide. At this stage, no details of incident of harassment or specific role has been attributed to the applicant to indicate that the deceased was left with no other option but to commit suicide.

5. The material and evidence produced on record by the applicant need not be considered at this stage because the investigation is at the initial stage. Therefore, considering the material on record, the applicant has made out a case for grant of relief under Section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.133 of 2022 dated 20 October 2022 registered at Mahad City Police Station for the offences punishable under Sections 306, 498-A, 304-B, 323 of the Indian Penal Code, 1860, he be released on bail on furnishing P.R. Bond in the amount of Rs.50,000/- with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 28 and 30 June 2023 and 3 July 2023 between 11.00

a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

6. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)