

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

ANTICIPATORY BAIL APPLICATION NO.1169 OF 2023

Pranay Mahendra Bhabhera ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1170 OF 2023**

1. Mrs. Meena Mahendra Bhabhera
2. Mahendra Bhabhera ...Applicants

Versus

The State of Maharashtra ...Respondent

...

Mr. Kapil Dave i/b. Mr. Prajit S. Manjrekar for the Applicants.
Mr. S.H. Yadav, APP for Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th APRIL, 2023.

P. C. :-

1. These are the applications under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No.214 of 2023 registered with Dindoshi Police Station, Mumbai, for the offences punishable under Sections 306 and 498 A r/w 34 of the IPC.

2. Heard Mr. Kapil Dave, learned counsel for the Applicants

and Mr. S.H. Yadav, 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. Marriage of the Applicant (Anticipatory Bail Application No.1169 of 2023) and the daughter of the First Informant was solemnised on 09/12/2020. Daughter of the First Informant committed suicide on 15/03/2023. The First Informant, mother of the deceased lodged the FIR alleging that the Applicant and his family members had subjected the deceased to mental cruelty.

4. The allegations in the FIR do not prima facie constitute abetment within the meaning of Section 107 of the IPC. Furthermore, there are no allegations of demand of dowry and cruelty within the scope of explanation to Section 498-A of the IPC. The FIR reveals that the deceased was having psychological issues and was consulting a psychologist.

5. Considering the above facts and circumstances, this is not a case which would justify custodial interrogation. Hence, the applications are allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.214 of 2023 registered with Dindoshi Police Station, Mumbai, the Applicants shall be released on PR bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount;
- (ii) The Applicants shall report to the concerned Investigating Officer for a period of two days i.e. 24/04/2023 and 25/04/2023 between 10.00 a.m. to 1.00 p.m. and further as and when required by the Investigating Officer;
- (iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) 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.

6. The Applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)