

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1662 OF 2023

Swapnil Samadhan Madhankar & Ors. ... Applicants

V/s.

Gajanan Laxman Dhage & Anr. ... Respondents

Mr. Shubhankar Ghosh with Mr. Hitesh Magar for the applicant.

Ms. Veera Shinde, APP for the respondent No.2/State.

Mr. Balvant Patil, API, Nhavasheva Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 21, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.I-092 of 2023, registered with Navasheva Police Station for offences punishable under sections 304(B), 498(A) read with section 34 of the Indian Penal Code, 1860, the applicants are seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, the marriage between the deceased and the applicant No.1 was performed on 13th July 2016. Amount of Rs.1,51,000/- was paid as dowry. However, the applicants started harassing the deceased continuously. It is alleged that due to physical and mental harassment of the applicants, the

deceased committed suicide. The father of the deceased, therefore, lodged the report with police station concerned. The applicants applied for relief under section 438 of the Criminal Procedure Code, 1973, which has been rejected by the learned Session Judge. Aggrieved thereby, the applicants have filed present application.

3. During pendency of the application before the learned Sessions Judge, the informant has filed an affidavit stating that he lodged a report due to misunderstanding and at the say of his relatives. He, therefore, has no objection for grant of bail to the applicants.

4. On perusal of the case papers and the suicide note of the deceased, it appears that no specific role has been assigned to the applicants. Vague reason is mentioned in the suicide note. At this stage, there is no material to indicate that the deceased was left with no other option. At this stage, proximate cause for committing suicide is also vague. Therefore, the applicants are entitled to relief under section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicants in connection with C.R. No.I-092 of 2023, registered with Navasheva Police Station for offences punishable under sections 304(B), 498(A) read with section 34 of the Indian Penal Code, 1860, the applicants shall be released on bail on furnishing PR Bond in the sum of Rs.25,000/- each along with one or two sureties in the like amount;

b) The applicants shall cooperate with the investigation

and make themselves available for interrogation whenever required;

c) The applicants 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 applicants 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;

5. The anticipatory bail application is disposed of in above terms.

(AMIT BORKAR, J.)