

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

**ANTICIPATORY BAIL APPLICATION NO.1972 OF 2023
WITH
INTERIM APPLICATION NO.2642 OF 2023
(NOT ON BOARD. TAKEN ON BOARD)
IN
ANTICIPATORY BAIL APPLICATION NO.1972 OF 2023**

Amol Namdev Nimre

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Rajiv Patil, Senior Advocate i/b. Mr. Pramod Panchal with Ms Neha Rane for the Applicant.

Ms Swati Khot for the Intervenor.

Mr. S.H. Yadav, APP for the Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 24th JULY, 2023.

P. C. :-

1. At the outset, learned counsel for the Applicant seeks leave to place on record copy of the impugned order. Leave is granted. To be placed on record accordingly.

2. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant seeking pre-arrest bail in C.R. No. 78 of 2023 registered with Navghar Police Station, Mumbai, for the offence

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punishable under Section 306 of the IPC.

3. Heard Mr. Rajiv Patil, learned senior counsel for the Applicant, Ms Swati Khot, learned counsel for the Intervenor 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.

4. The aforesaid crime was registered pursuant to the FIR lodged by the brother of the deceased- Bhakti, who committed suicide on 09/03/2023. The facts narrated in the FIR reveal that friend of the deceased had told the First Informant that the deceased was in love with the Applicant herein. The Applicant is a married man. He had promised the deceased that he would divorce his wife and marry her. It is stated that the Applicant neither filed the divorce petition nor married the deceased. The First Informant claims that sometime in the month of September-2022 the Applicant showed some divorce papers to the deceased. The deceased suspected that the same were fabricated and there was quarrel between them over the said issue on 17/11/2022. Friend of the deceased informed the First Informant that the deceased used to be under tension and mental stress. It is stated

that the deceased committed suicide as the Applicant had failed to divorce his wife and failed to marry the deceased.

5. The facts narrated in the FIR as well as other material on record, particularly the statement of the friend of the deceased, even if accepted in its entirety, would not prima facie constitute abetment under Section 107 of the IPC.

6. Under the circumstances, no case is made out for custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R. No. 78 of 2023 registered with Navghar Police Station, Mumbai, he shall be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. 28/07/2023 and 29/07/2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when

required by the Investigating Officer for the purpose of investigation;

(iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

(iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of.

8. The interim application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)