

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2099 OF 2023

Vishwajeet Shyamsunder Kumar

...Applicant

vs.

State of Maharashtra

...Respondent

....

Mr. Saurabh R. Desai a/w Mr.Apoorv V. Singh for the Applicant.

Ms. A. A. Takalkar, for the Respondent-State.

....

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 27 JULY 2023

P.C. :

1. The Applicant apprehends his arrest in Crime No.342 of 2023 registered with D. N. Nagar police station, BrihanMumbai for the offence punishable under section 306 of the Indian Penal Code, 1860.

2. Heard Mr. Saurabh R. Desai, learned counsel for the Applicant and Ms. A. A. Takalkar, 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. The record, *prima facie*, reveals that the Applicant was in love with the deceased Priti Sing who committed suicide on 24 March 2023. The first informant who is the sister of the deceased found a suicide note on 4 May 2023 wherein the deceased has held the Applicant responsible for her death. The said suicide note and other records, *prima facie*, indicate that the Applicant had refused to marry the deceased and it is for this reason she was depressed and committed suicide. The facts narrated in the FIR and other material on record even if accepted in its entirety, *prima facie*, do not constitute the offence of 'abetment' within the meaning of section 107 of the Indian Penal Code, 1860.

4. Considering the facts and circumstances of the case, this is a fit case to exercise discretion under section 438 of the Cr.P.C. Hence, the Application is allowed on the following terms and conditions;

- (i) In the event of arrest of the Applicant in Crime No.342 of 2023 registered with D. N. Nagar police station, BrihanMumbai, the Applicant shall be released on bail on furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount;

- (ii) The Applicant shall report to the Investigating Officer for two days on 1st and 2nd August, 2023 between 11.00 am to 2.00 pm;
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicant shall not interfere with the complainant and the other witnesses, or tamper with the evidence in any manner.

5. The Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)