

Nikita

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

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ANTICIPATORY BAIL APPLICATION NO.2149 OF 2023

Lata Mahadev Rajguru and Anr.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Mr. Ranjit T. Kotali, for the Applicant.

Mrs. Veera Shinde, APP for the State.

Mr. S.B. Patil, Chinchwad Police Station.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 1, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No. 282 of 2023, registered with Chinchwad Police Station, Dist.- Pune for the offence punishable U/s. 306 read with 34 of the Indian Penal Code, 1860, the applicants are seeking relief under Section 438 of Code of Criminal Procedure, 1973.

2. According to prosecution, informant is the wife of the deceased. Alleged incident of suicide occurred on 25th May 2023. According to prosecution, the deceased was residing with applicant No.1 due to their love relationship. According to informant, deceased met her at 5.00 p.m. on 25th May 2023 and informed her about the mental and physical harassment caused by the applicant No.1. It is alleged that the deceased committed suicide in the

intervening night of 25th May 2023, and 26th May 2023. Suicide note contains name of the applicants.

3. The applicants, therefore, applied for relief under Section 438. The sessions judge by order dated 21st July 2023, rejected the application.

4. On perusal of the material on record, including case papers, it appears that the deceased was in love relationship with applicant No.1. Applicant No.2 is the son of the applicant No.1. There is no reason mentioned in the suicide note. Suicide note names the applicant No.1. According to the informant, applicant No.1 obtained loan of Rs.3,00,000/- in the name of deceased. The applicant No.2 was demanding money from the deceased. On perusal of the material on record, prima facie, it appears that the investigation is at initial stage. However, the allegations in the report, prima facie, do not indicate either abatement as contemplated under Section 107 or the inference that the deceased has not other option but to commit suicide. However, it is possible that during investigation such material is collected by the investigation.

5. Based on material on record, as of now, the applicants has made out a prima facie case. Hence following order:

a) In the event of arrest of the applicants in connection with C.R. No. 282 of 2023, registered with Chinchwad Police Station, Dist.- Pune for the offence punishable U/s. 306 read with 34 of the Indian Penal Code, 1860, the applicants be released on bail on furnishing the P.R. bond in the amount of

Rs.25,000/- each along with one or two sureties in the like amount;

b) The applicants shall attend the investigating officer on 3rd, 5th and 7th August 2023 between 11.00 a.m. to 2.00 p.m. and thereafter, as and when called by the investigating officer;

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;

e) The applicants 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.)