

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2262 OF 2023

Avilkumar Anilkumar Maurya ...Applicant
Versus
The State of Maharashtra and Others ...Respondent

Mr. Rishi Bhuta with Mr. Ujjwal Ganghi with Ms. Ankita
Bamboli with Mr. Prateek Dutta with Mr. Saakshi Iha, for
Applicant.

Mrs. S. S. Kaushik, APP for State.

Mr. Dilip Bhandhe, PSI, Panvel Crime Branch, Navi
Mumbai., Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 7th SEPTEMBER, 2023

P.C.:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 274 of 2022, registered with Kamothe Police Station for an offence punishable under Section 306 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
- 3) The first informant, who is the father of the deceased, lodged a report with the allegations that the marriage of the

deceased was solemnized with co-accused No. 1 on 6th February, 2022. The applicant was allegedly in a relationship outside marriage with the wife of the deceased. In the month of March, 2022, the wife of the deceased and the applicant had allegedly threatened the deceased. On 26th April, 2022, the deceased died by suicide. The first informant lodged a report on 28th October, 2022.

4) In the backdrop of the aforesaid nature of the accusation, when the matter was listed before this Court on 10th August, 2023, this Court was persuaded to grant interim protection observing , inter alia, as under:-

“...2. Prima facie, it appears in a message send on 14 March 2022, the wife of deceased stated that she is enjoying with the applicant and the deceased can die alone.

3. On perusal of the report, prima facie, it appears that there is no proximate event nor anything to show that the acts of the present applicant left no other option for the deceased but to commit suicide. The applicant deserves to be interim relief...”

5) The learned APP, on instructions, submits that the applicant has appeared before the Investigating Officer as directed. Chargesheet has been lodged against the co-accused.

6) On perusal of the allegations in the FIR, it does not appear that there was either instigation or intentional aid on the part of the applicant. On the contrary, as alleged, the co-accused, wife

of the deceased, and the deceased had resumed cohabitation on 21st April, 2022. Prima facie, there is a delay of six months in lodging the FIR.

7) In the circumstances, further custodial interrogation of the applicant does not seem to be warranted.

8) I am, therefore, persuaded to make order of interim bail absolute. Hence, the following order:-

ORDER

I) The interim order dated 10th August, 2023 is made absolute on the terms and conditions incorporated therein.

II) The applicant shall regularly attend the proceedings before the jurisdictional Court.

III) The application stands disposed.

[N. J. JAMADAR, J.]