

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

ANTICIPATORY BAIL APPLICATION NO. 2549 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.11.02
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Shashikant Chandrakant Revale ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Samadhan Sulane, for the Applicant.
Mr. N. B. Patil, APP for the State/Respondent.
API Sonkamble, Pantnagar Police Station, Mumbai, present.

CORAM: N. J. JAMADAR, J.
DATED: 31st OCTOBER, 2023

ORDER:-

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 CR No.386 of 2023, registered with Pantnagar Police Station, Mumbai, for an offence punishable under Section 306 of Indian Penal Code, 1860 ("the Penal Code").
3. Supriya (the deceased) was the sister of the first informant. Her marriage was solemnized with the applicant on 29th December, 2021. On 1st June, 2023 Supriya allegedly died by suicide.

4. The first informant lodged a report with the allegations that deceased had related to him that the applicant was suspecting her fidelity and restrained her from wearing jeans. The applicant was allegedly subjecting the deceased to harassment. The first informant alleged unable to bear the illtreatment meted to her the deceased died by suicide.

5. The learned Counsel for the applicant submitted that the allegations in the FIR do not indicate that the applicant had abetted commission of suicide by the deceased. There are no allegations of unlawful demand and subjecting the deceased to harassment to coerce her to meet the unlawful demand. It was submitted that the allegations are of general nature.

6. The learned APP, on the other hand, submitted that the deceased died within a one and half year of the marriage. The conduct of the applicant was the sole cause for the suicide by the deceased.

7. I have perused the allegations in the FIR. It appears that the deceased and the applicant were in a relationship prior to marriage. The allegations are of suspecting character of the deceased. The applicant allegedly did not return home on for day or two in a week. Ex facie, the allegations appear

to be of general nature. No particular acts of instigation or intentional aid are attributed. If the allegations in the FIR are taken at par, *prima facie*, it does not appear that there was any direct or proximate act or conduct on the part of the applicant which could be construed as an instigation or intentional aid. In the circumstances, the custodial interrogation of the applicant does not seem to be warranted for further investigation. The applicant appears to have roots in the society. I am, therefore impelled to allow the application.

8. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.386 of 2023, registered with Pantnagar Police Station, Mumbai, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Pantnagar Police Station on 6th and 9th November, 2023 in between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.

- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]