

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2991 OF 2022

Akshay Parikshit Vatamvar ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. Satyavrat Joshi alongwith Mr. Ashish Vernekar for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 20 MARCH 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 132 of 2022 registered at Lonavala City Police Station, Pune for the offence punishable under Section 306 of Indian Penal Code.

3. On 21 October 2022, this Court passed the following order :

- “1. Investigating Officer is not present.*
- 2. Learned APP seeks time to take instructions.*
- 3. The applicant is apprehending arrest in C.R. No.132 of 2022 registered with Lonawala City Police Station for offence under Section 306 of Indian Penal Code. The first information report has been registered by the father of the deceased, it is alleged that the deceased and applicant were known to each other and they were in relationship. Thereafter, the applicant harassed her and demanded such articles. It is submitted that the victim has written a suicide note before committing suicide. Assuming the allegations to be true, offence under Sections 306 of Indian Penal Code is not*

attracted in this Case. The applicant is relying upon online receipt with regards to payment to the victim on several occasions.

4. Considering the facts, interim protection can be granted to the applicant.

5. In the event of arrest of the applicant in connection with C.R. No.132 of 2022 registered with Lonawala City Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.

6. Stand over to 23rd November, 2022. To be listed 'High on Board'."

4. The learned Counsel for the applicant submits that this Court has already recorded in the order dated 21 October 2022 that Section 306 of the IPC is not attracted in this case. It is submitted that, the applicant, without prejudice to his rights, is ready and willing to pay Rs.2 lakhs to the son of the deceased.

5. Considering the facts and circumstances of the case, the interim order passed by this Court dated 21 October 2022 is hereby confirmed. The applicant shall handover a cheque of Rs.2 lakhs to the investigating officer who in turn shall handover the said cheque to the complainant. The complainant shall invest the said amount in F.D.R. in the name of the son of the deceased, namely, Ajim. The Application is disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
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Date: 2023.03.30
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