

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2802 OF 2023

Damodar Vinayak Khade ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. R.N. Gite a/w. Mr. Sushant Tare, for the Applicant
Mr. Shrikant Yadav, APP, for the Respondent/State.
Mr. K.P. Bhojane, PSI, Igatpuri police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 09, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No.177 of 2023 registered at Igatpuri police station for the offences punishable under section 306 read with 34 of Indian penal Code, 1860.
3. The deceased was the sister of the first informant. Her marriage was solemnized with the applicant on 16th May, 2008. They have two daughters and a son. On 12th September, 2023 the deceased died by suicide.
4. The first informant lodged report with the allegation that since five years, the deceased had been residing at Igatpuri along with applicant and her children. He had learnt that before the birth of second daughter Harshada, the father in law of the deceased had

assaulted her. On 10th September, 2023, the first informant alleged, the deceased had met him and her maternal cousins and related that the applicant was harassing her suspecting her fidelity.

5. The learned counsel for the applicant submitted that the marriage of the applicant and deceased was solemnized prior to 15 years. There was never any allegation of illtreatment all these years. The applicant and his parents have been falsely roped in only on account of death of the deceased by suicide.

6. The learned APP, on the other hand, submitted that the first information report contains allegations of harassment.

7. Prima facie, it appears that the applicant and the deceased were in a marital bond for more than 15 years. It does not appear that at any earlier point of time, there was allegation of harassment or matrimonial cruelty. At this juncture, the fact that the applicant and the deceased have teenage daughters cannot be lost sight of. Had it been a case of continuous harassment or illtreatment, there ought to have been narration of those incidents to the parents and relatives of the deceased.

8. Prima facie, there is no material to show any direct or proximate act or omission which can be construed as either instigation or intentional aid to commit suicide by the deceased. I am, therefore, inclined to exercise the discretion in favour of the

applicant.

Hence, the following order.

ORDER

1] In the event of arrest in C.R. No. 177 of 2023 registered with Igatpuri police station, the applicant Damodar Vinayak Khade be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

2] The applicant shall cooperate with the investigation and attend Igatpuri police station, on 17th, 18th and 19th October, 2023 in between 10 am to 12 and, thereafter, as and when directed by the investigating officer.

3] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

4] The applicant shall regularly attend the proceedings before the jurisdictional Court.

5] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application stand disposed.

(N. J. JAMADAR, J.)