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

BAIL APPLICATION NO.3429 OF 2023

1. SEEMA BHAUSAHEB KALE
2. BHAUSAHEB VITTHAL KALE ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Rajabhau S. Chaudhari a/w Adv. Kishan S. Chaudhari
for the applicants.

Ms. Veera Shinde, APP for the State.

Mr. P. V. Parkhe, Police Naik, Aalephata Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 2023

P.C. :

1. Heard learned counsel for the applicants and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 306 read with 34 of the Indian
Penal Code (hereafter 'IPC' for short) registered on
23.12.2022 vide C.R. No.390 of 2022 with Aalephata Police
Station, District Pune.

3. The applicants are accused Nos.1 and 2. The
applicants were arrested on 16.01.2023. The victim

committed suicide on 23.12.2022 in his house. The victim left behind the suicide note. In the suicide note, it is alleged that the applicant No.1 is a woman of easy virtue has cheated the victim and thereby has parted huge sums of money in her favour. The applicant No.1 was not returning the money. It is alleged that she was enticing various persons and cheating them being of easy virtue. Instead of returning the money, the applicant No.1 was threatening the deceased that she would file a false case against him. In the suicide note it is mentioned that the applicant No.1 was addicted to drugs and indulging in prostitution. It is mentioned that the applicant No.2 was helping the applicant No.1 in cheating and exploiting various persons.

4. Learned APP opposed the application for bail.

5. In the facts and circumstances of the present case whether there is clear mens rea to commit an offence under Section 306 and whether there is an active or direct act on the part of the applicants leading the deceased to commit suicide, left with no option is a matter which should be determined during the trial. Suffice it to observe that the

applicants are in custody for more than one year. There are no criminal antecedents reported against the applicants. I am informed by the learned APP that only the charge has been framed. The trial is yet to commence and not likely to conclude soon. In the facts and circumstances of the present case I am inclined to enlarge the applicants on bail but by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants-Seema Bhausahab Kale and Bhausahab Vitthal Kale in connection with C.R. No.390 of 2022 registered with Aalephata Police Station shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicants shall attend the Investigating Officer of Aalephata Police Station once in a month every first Sunday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicants shall not enter the area of Junnar Taluka after being released on bail, till the trial concludes.

(g) The applicants shall attend the trial regularly. The applicants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) Any attempt on the part of the applicants to threaten or influence the witnesses will be viewed seriously which may result in cancellation of bail.

(i) In case the witnesses seek protection, the same will be duly considered in accordance with law.

6. The application is disposed of.

(M. S. KARNIK, J.)