

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

BAIL APPLICATION NO. 3045 OF 2024

Suraj Upendra Acharya	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Advait Tamhankar a/w Padmaja Malgaonkar for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
PSI - A. V. Kamble, Meghwadi Police Station, Brihanmumbai.

**CORAM: MANISH PITALE, J.
DATE : 16th AUGUST 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is seeking bail as he was arrested on 20th June 2024 in connection with FIR No. 0250 of 2024 dated 5th May 2024 at Meghwadi Police Station, Brihanmumbai, for offence under Section 306 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is the father of the victim and he has alleged that the applicant and the co-accused person harassed the victim to such an extent that she had no option but to commit suicide on 3rd May 2024.

4. The learned counsel for the applicant, at the outset, submitted that on 1st July 2024, this Court allowed Bail

Application No. 2317 of 2024 filed by the co-accused. It was submitted that the observations made in paragraph 6 of the said order can also inure to the benefit of the applicant in the present case. It is submitted that the applicant and the deceased/victim were in a relationship and this is evident from exchange of messages between two. Attention of this Court is invited to certain messages exchanged between the two, particularly those that were exchanged between them on the date of the incident. It is submitted that there is no material to indicate that the applicant was harassing the deceased or that he entered into a relationship with her with an intention to harass her or to drive her into committing suicide.

5. On the other hand, the learned APP submitted that there is a suicide note left behind by the deceased. It is submitted that chats said to have been exchanged between the applicant and the informant, will have to be verified. It is further submitted that there are Call Detail Records (CDRs) to show that the applicant was calling the deceased repeatedly on the date of the incident and this correlates with the allegation made by the informant in the statement, which led to registration of the FIR. It is submitted that the investigation has revealed that the applicant is actually a married man and yet, he was having the aforesaid relationship with the deceased, who was perhaps not aware about the marital status of the applicant. It is further submitted that as per the investigation, the applicant appears to be having an affair with

another girl also. On this basis, it is submitted that this Court may not consider the present application favourably.

6. This Court has perused the material on record. In paragraph 6 of the order dated 1st July 2024 passed in Bail Application No. 2317 of 2024, preferred by the co-accused person, this Court, while allowing the application, had observed that allegations were absent insofar as the co-accused is concerned about any specific acts immediately prior to the act of the victim committing suicide.

7. This Court has examined the material in that context and it is found that although the informant has indeed alleged that on the date of the incident, the applicant as well as the co-accused person were repeatedly calling his daughter i.e. the victim, the chats exchanged between the applicant and the deceased, generally and particularly on the date of the incident till about 2:29 P.M. in the afternoon, do not show any difference of opinion or any indication on the part of the deceased of feeling harassed at the hands of the applicant. As to what may have been discussed between the applicant and the deceased in their telephonic conversations on the date of the incident, is a matter for trial. But, *prima facie*, it appears that there is lack of material to show specific overt act on the part of the applicant on the date of the incident.

8. Apart from this, the alleged suicide note, which was recovered during the course of investigation, does not indicate any

specific allegation or overt act against the applicant. This Court is convinced that a case for granting bail is made out.

9. In view of the above, the application is allowed in the following terms:

- (a) The applicant shall be released on bail in connection with FIR No. 0250 of 2024 dated 5th May 2024 at Meghwadi Police Station, Brihanmumbai, on furnishing P.R. Bond of ₹50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicant shall cooperate with the trial Court and attend the proceedings before the trial Court on each and every date, unless specifically exempted, for reasons to be recorded in writing.
- (c) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.
- (d) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

10. Needless to say, in case of violation of any of the aforesaid

conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application is disposed of.

MANISH PITALE, J.