

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

ANTICIPATORY BAIL APPLICATION NO. 2050 OF 2024

Balaso Pandharinath Kale	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2051 OF 2024**

Santosh Vishnu Dhumal	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Prashant S. Hagare for the Applicant in both the Applications.
Mr. Sagar R. Agarkar, APP for Respondent-State in both the Applications.

Mr. Rupesh A. Zade for the Complainant.

Mr. Sachin Pawar, Head Constable, Bhigwan Police Station, Pune.

**CORAM: MANISH PITALE, J.
DATE : 13th AUGUST 2024**

P.C. :

. These two applications are filed by persons accused in FIR No. 0216 of 2024 dated 16th June 2024 registered at Bhigwan Police Station, Dist. Pune, for offences under Sections 306, 498-A, 504, 506 read with 34 of the Indian Penal Code, 1860 (IPC).

2. The applicant in Anticipatory Bail Application No. 2050 of 2024 i.e. Balaso Pandharinath Kale, is the father-in-law of the victim and the applicant in Anticipatory Bail Application No. 2051 of 2024 i.e. Santosh Vishnu Dhumal, is a relative of the husband of the victim.

3. The first informant is the father of the victim and according to him, the applicants and other accused persons acted in such a manner that victim i.e. the daughter of the first informant had no alternate, but to commit suicide. According to the first informant, on 13th June 2024, a meeting was held between the members of the two families, as it was alleged that the victim was in touch with a third person outside marriage on phone, as well as on *Instagram*, etc. It is alleged that thereafter, the accused persons took away the mobile phone of the victim and repeatedly harassed her, due to which, on 15th June 2024, she committed suicide.

4. Heard learned counsel for the applicants, learned APP for the respondent-State and learned counsel appearing for the first informant in both the applications.

5. According to the learned counsel for the applicant, the victim was having a relationship outside marriage with a third person and when this came to light, a discussion ensued on 13th June 2024, between the members of the two families. Eventually, the victim took her own life. But, it is submitted that even if the statement of the first informant is accepted as it is, ingredients of the offence under Section 306 of the IPC are not made out. Even, as regards the offence under Section 498A of the IPC, there is hardly any material to implicate the applicants. In any case, the applicants are ready to cooperate with the investigation and therefore, this Court may allow the applications.

6. On the other hand, the learned APP invited attention of this Court to the statement of an individual, recorded during the course of investigation. He is said to be a friend of the person with whom the victim was allegedly having an affair. It is submitted that the message received by the said person from the victim indicates the manner in which the accused persons were harassing the victim and this aspect may be taken into consideration.

7. The learned counsel appearing for the first informant submitted that the role of the applicants is clear from the statement of the first informant and therefore, no indulgence may be shown to the applicants.

8. This Court has considered the statement of the first informant, leading to registration of the FIR. Even if the contents thereof are to be accepted as it is, this Court finds that the controversy had indeed arisen due to the allegation that the victim was having a relationship outside marriage with a third person. In the light of such an allegation, there was bound to be dispute with the victim and in that context, the accused persons may have said certain things to her. But, at this stage, it is difficulty to reach a conclusion that the manner in which the applicants allegedly behaved with the victim, was with an intention to drive her to commit suicide. The applicants are the father-in-law and a relative of the husband of the victim and at this stage, it will not be appropriate to reach a finding that they acted in a manner, so as to incite the victim to take her own life. Even if the statement of the

witness, which is relied upon by the learned APP, is taken into consideration, it leads to the conclusion that the entire controversy or dispute has arisen because of the serious allegation that the victim was having a relationship outside marriage with a third person.

9. In such a situation, so long as the applicants are ready to cooperate with the investigation, it would be appropriate to allow the present applications.

10. In view of the above, the applications are allowed in the following terms :

(a) In the event the applicants are arrested in connection with FIR No. 0216 of 2024 dated 16th June 2024 registered at Bhigwan Police Station, Dist. Pune, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicants shall remain present before the Investigating Officer on 16th August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicants shall cooperate with the investigation.

(c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not

influence the informant, witnesses or any other person concerned with the case.

11. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present applications.

12. The applications are disposed of.

MANISH PITALE, J.