

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

ANTICIPATORY BAIL APPLICATION NO. 2638 OF 2024

Dhananjay Ramdas Ushire	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Girish Nagori h/f Pooja Dongre for the Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Kailash S. Jadhav, I.O., Panchavati Police Station, Nashik.

CORAM: MANISH PITALE, J.
DATE : 30th SEPTEMBER 2024

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 356 of 2021 dated 3rd November 2021 registered at Panchavati Police Station, Dist. Nashik, for offence under Section 306 of the Indian Penal Code, 1860 (IPC).

3. The background facts, leading to registration of the FIR, are that the deceased in the present case is alleged to have committed suicide on 26th June 2021. In that backdrop, the father of the deceased caused FIR dated 27th June 2021 to be registered against the husband and other relatives of the deceased, for offences under Sections 306, 304B, 498-A, 323, 504 and 506 read with 34 of the IPC.

4. Subsequently, after about 3 months of the incident, the

husband of the deceased, who was an accused in the aforesaid FIR registered at the behest of the father of the deceased, submitted a complaint before the Jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.) against the applicant herein. This was in the backdrop of an allegation that the deceased was in touch with the applicant, which led to her husband suspecting her character, which in turn eventually led to the deceased taking the extreme step of suicide. The Magistrate allowed the complaint filed by the husband of the deceased, as a consequence of which, the subject FIR dated 3rd November 2021 came to be registered.

5. The learned counsel for the applicant submits that the applicant has throughout cooperated with the Investigating Authority. He has remained present before the Investigating Officer after registration of the subject FIR and he has even surrendered his mobile phone. It is submitted that in such a situation, merely because the allegation against the applicant is that he was in touch with the deceased, cannot be a ground to seek his physical custody. It is submitted that the applicant undertakes to cooperate with the investigation.

6. On the other hand, the learned APP submits that the offence is serious and further investigation is being undertaken. He submits that the mobile phones of the deceased as well as the applicant herein are already in the custody of the Investigating Officer.

7. This Court is of the opinion that the FIR in the present case being registered as far back as on 3rd November 2021 and there being no specific denial of the fact that the applicant did remain present before the Investigating Office, even surrendering his mobile, at this point in time i.e. after about 3 years of registration of the FIR, physical custody of the applicant does not appear to be warranted in the facts of the present case.

8. The incident of the wife of the informant herein committing suicide has led to registration of the aforesaid two FIRs, one at the behest of the father of the deceased and the other at the behest of the informant herein i.e. her husband. The only allegation against the applicant appears to be that he was the person with whom the deceased was in touch on her mobile phone and this led to her husband i.e. the informant herein suspecting her character, which eventually led to her suicide.

9. This Court is of the opinion that considering the nature of the allegations levelled against the applicant and in the light of the fact that he has been cooperating with the investigation, a case is made out for granting relief in the present application.

10. Accordingly, the application is allowed in the following terms :

- (a) In the event the applicant is arrested in connection with FIR No. 356 of 2021 dated 3rd November 2021

registered at Panchavati Police Station, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.15,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 3rd October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer. The applicant shall continue to cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He 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 applicant 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 applicant in the present application.

12. The application is disposed of.

MANISH PITALE, J.