

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2930 OF 2024**

Akshay Arun Jore	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Kuldeep Nikam a/w. Nishi Singhvi for applicant.

Mr. Balraj B. Kulkarni, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 11th NOVEMBER, 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0273 of 2023 dated 20.04.2023, registered at Loni Kalbhor Police Station, District Pune City, for offence under Section 306 of the Indian Penal Code, 1860 (IPC).

3. At the outset, this Court put a query to the learned counsel appearing for the applicant as to why the instant anticipatory bail application was moved in November 2024, when the FIR was registered as far back as on 20.04.2023. In that context, it was brought to the notice of this Court that two earlier anticipatory bail applications of the applicant were dismissed on merits by the Sessions Court. The first such application was dismissed on 21.06.2023. Thereafter, in April 2024, the applicant moved the second

anticipatory bail application before the Sessions Court, which was rejected by order dated 15.10.2024. The only reason why the applicant appears to have filed the second anticipatory bail application is that in the meanwhile, chargesheet had been filed by the investigating authority.

4. The learned counsel for the applicant submitted that the applicant does not deny the fact that there were two anticipatory bail applications moved on his behalf before the Sessions Court and both of them were rejected. But, the applicant is entitled to argue his case on merits as regards the ingredients of offence under Section 306 of the IPC, in the facts and circumstances of the present case.

5. It was submitted that even as per the statement leading to registration of FIR, the applicant and the deceased were in a relationship for about 2 years. When the relationship could not work out, the applicant appears to have sent a video to the deceased, showing that the applicant was consuming poison. It is submitted that the act of the applicant could not be said to be undertaken with the intention to drive the victim to commit suicide. In fact, it was a manifestation of the frustration of the applicant as the relationship could not finally work out. To impute intention as regards offence under Section 306 of the IPC, would be against the settled position of law.

6. On the other hand, the learned APP vehemently opposed the present application. He submitted that the application ought not be entertained, simply for the reason that the applicant had moved two anticipatory bail applications before the Sessions Court, both of which were rejected on merits. In between, there were non-bailable warrants issued against the applicant, which could not be served for various reasons, further indicating

that the applicant constantly avoided the investigation. It was submitted that this Court may not show any indulgence to the applicant. It was further submitted that the ingredients of the offence under Section 306 of the IPC are made out, in the facts and circumstances of the present case.

7. This Court has considered the rival submissions, in the light of the material on record. The conduct of the applicant is evident from the documents on record. The FIR was registered on 20.04.2023. The first anticipatory bail application was rejected by the Sessions Court as far back as on 21.06.2023. The applicant remained absconding and did not take any steps either to co-operate with the investigation or to move this Court for anticipatory bail. Instead in April 2024, the applicant moved the second anticipatory bail application before the Sessions Court on the ground that chargesheet was now filed, despite the fact that the applicant constantly avoided the investigating machinery. Eventually, the second anticipatory bail application was rejected on 15.10.2024, on merits, by the Sessions Court.

8. There is material to show that non-bailable warrants were issued against the applicant. But, for some reason, they could not be served and the applicant could not be apprehended and he remained absconding.

9. In such a situation, entertaining the present application would amount to giving premium to the aforesaid conduct of the applicant. In any case, even on the question of the ingredients of offence under Section 306 of the IPC, this Court is unable to accept the contentions raised on behalf of the applicant.

10. The contents of the statement of the informant, leading to registration of FIR, show that the victim committed suicide on 17.04.2023, by hanging herself in a hotel room. She had contacted her mother i.e. the informant, informing about the fact that the applicant had sent video on 16.04.2023 to her, wherein the applicant was consuming poison, in the light of the relationship between the two not working out. The aforesaid allegations in the FIR do *prima facie* indicate that there was an act undertaken by the applicant, soon before the actual act of suicide committed by the victim, which triggered her to take the extreme step.

11. This Court is of the opinion that a *prima facie* case is made out against the applicant. Hence, there is no substance in the present application.

12. The application is dismissed.

(MANISH PITALE, J)

Priya Kambli