

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1088 OF 2015

Shri Sunil Pandurang Kakde & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.U.B. Nighot for the Applicants
Ms.R.V. Newton, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 31, 2015**

P.C.:

1. The applicant/accused is apprehending arrest in C.R. No.110 of 2015 registered with Alephata police station, for the offences punishable under sections 363, 305, 506 r/w section 34 of the Indian Penal Code. The father, of the minor boy, who had committed suicide, has given information to the police on 14.7.2015 that on 13.7.2015, at around 4.30pm, the clothes on the person of the deceased Aniket were torn and he was injured. On query, he found that Aniket, his friend Shahrukh were taken to the house of one of the accused persons and they were assaulted and they blamed the deceased for eve teasing. They were assaulted with cable wire and their clothes were torn. The complainant did not take Aniket seriously, at that time and went away for his work. However, on 14.7.2015, when Aniket was not found, he went to search for him and then

he found dead body of Aniket in a well. Since Aniket did not know swimming, he registered the offence against all the applicants/accused.

2. The learned Counsel for the applicants/accused submitted that the applicants/accused are innocent. They have not committed any offence, especially the offence under section 305 of the Indian Penal Code as they did not have any intention to instigate, aid or abet the deceased Aniket to commit suicide.

3. The learned Prosecutor has opposed the application. Though this is a first date, the Investigating Officer is present with all the documents including photographs, panchanama, post mortem report and the statements of the witnesses. It appears that the entire investigation is nearly complete. The learned Prosecutor has submitted that the applicants/accused have assaulted the deceased brutally. The post mortem report discloses that the injuries were ante mortem and the deceased was assaulted with a cable wire. This led the accused to commit suicide.

4. Perused the FIR, the statements and the photographs. From the FIR, it is found that the deceased had narrated the incident of assault to his father. However, his father as per the FIR, did not take him seriously. A

few hours thereafter, he committed suicide. The manner in which the incident has taken place and in view of the submissions of the learned Counsel for the defence and as per the ingredients under section 107, which is required for section 305, I am inclined to grant anticipatory bail on the following conditions:

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two solvent sureties in the like amount;
 - ii) The applicants shall not tamper with the evidence and shall not threaten or pressurise the complainant or the witnesses;
 - iii) The applicants shall not indulge into any kind of offence while on bail;
 - iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Monday, between 4 pm to 6 pm, until further orders / till filing of chargesheet.
5. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)