

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.111/2015

Rajendrakumar s/o Bhimraj Jain ..vs.. State of Maharashtra, through PSO P. S.
Nagpur Railway, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. J. M. Gandhi, Advocate for applicant.
Mrs. B. H. Dangre, Public Prosecutor for non
applicant-State.
Mr. M. A. Vishwarupe, Advocate for intervenor.

CORAM : A.B. CHAUDHARI, J.
DATE : JULY 6, 2015.

Heard learned counsel for the parties at
length.

Mr. Gandhi, learned counsel for the
applicant, vehemently submitted that the suicide note
is fabricated. He further submitted that the deceased
Anand Sangamnerkar himself had misappropriated
an amount to the tune of Rs.3,00,00,000/- and,
therefore, transferred the amounts from time to time
to his personal accounts and released his own
property. Therefore, the misappropriation was
committed by the deceased Anand. He, therefore,
submitted that the suicide note as well as statement
of his wife are not believable and no offence has been
committed by the applicant. Hence, he is entitled to
grant of anticipatory bail.

Per contra, Mrs. Dangre, learned Public Prosecutor, submitted that the suicide note speaks for itself. The wife of the deceased Anand had also filed the detailed explanation before the Court in reply to the allegations of misappropriation allegedly made by the deceased Anand in respect of amounts which were transferred to his HDFC Bank account by way of arrangement of loan transfer. The learned Public Prosecutor further submitted that the applicant did not cooperate with investigating agency during investigation. Mr. Vishwarupe, Advocate supported the learned Public Prosecutor.

I have seen the entire suicide note so also the statement of wife of deceased Anand. Upon perusal of these statements and suicide note, I find that prima facie offence under Section 306 of the IPC is clearly made out to hilt against the applicant. It is the applicant who has played a vital role in tormenting the deceased Anand as is clear from the suicide note. Whether the suicide note is fabricated or not is not a matter to be seen at this stage by this Court. The same is again a matter of investigation. It will have to be found out by the investigating officer during investigation by making detailed investigation. The investigating officer is expected to take into consideration all the aspects of the matter including the theory of the applicant also. At any rate, the

investigation must be fair and the investigating officer, therefore, upon obtaining custody of the applicant make all efforts to complete the investigation at the earliest.

Whether or not the deceased misappropriated the amounts is a matter which cannot be examined in the present matter of anticipatory bail. The allegations in relation to the civil dispute will have to be kept aside while deciding the prima facie case of abetment to commit suicide. In the whole background, therefore, applicant is found to have clearly abetted the suicide and as such there is a prima facie case against him. The offence is serious. Hence, the applicant is not entitled to grant of anticipatory bail.

In view of above, I make the following order.

ORDER

(i) Criminal Application (ABA) No. 111/2015 is rejected. Interim order of protection granted by this Court is vacated.

(ii) The observations made in this order shall not affect civil and criminal rights of the parties, if any.

JUDGE