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

ANTICIPATORY BAIL APPLICATION No.496 OF 2016

Manoj Arun Joshi .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Faisal Sayyed i/b. M/s. Manilal Kher Ambalal
& Co., Advocate, for the Applicant
Ms R.M.Gadhavi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 31.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks pre-arrest bail in connection with
C.R.No.63 of 2016 registered with the
Mangalwedha Police Station, District –
Solapur(Rural), for the alleged offence
punishable under Section 306 r/w.34 of the
Indian Penal Code.

3. The Applicant was working as a Branch Manager of I.C.I.C.I. Bank from December, 2011 to June, 2015. The deceased Amol Digambar Jamkar was also working in the same bank and co-accused Swati Kulkarni was also working in the same bank.

4. The Complainant — Digambar Kisan Jamkar, who is the father of the deceased, has alleged that he received information, that his son had consumed poison and was admitted in a hospital at Pandharpur. When he reached the hospital, his son had expired. He has stated that after 4-5 days, he learnt, that the police had found a chit, in his son's room, in which he had stated, that he was consuming poison, as he was wrongly charge-sheeted.

5. Learned counsel for the Applicant submits that the deceased was in love with co-accused Swati Kulkarni, who was not responding.

He submitted that the deceased would stalk her and send messages expressing his love for her, pursuant to which, co-accused-Swati Kulkarni had made a complaint to the present Applicant, who was the Branch Manager. He submits that the present Applicant only forwarded the complaint to the superior authorities and as such the Applicant was not concerned with the alleged offence.

6. Learned APP has produced the suicide note. Perused the suicide note. In the said suicide note, it is stated that the present Applicant is responsible for the suicide. He has stated that the co-accused-Swati Kulkarni had made false allegations against him, pursuant to which the Applicant was threatening him. According to him, he was genuinely in love with the lady. I have also perused the complaint of co-accused-Swati Kulkarni. It appears that the deceased was stalking her and was sending

messages threatening to commit suicide, if she failed to pick up his phones. Prima facie, it appears that the Applicant has only forwarded the complaint to the authorities, on a complaint made by co-accused Swati Kulkarni. Prima facie, it is doubtful whether an offence punishable under Section 306 of the IPC is disclosed in the facts of the present case.

7. Considering the aforesaid, the Applicant is granted anticipatory bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail, on executing PR Bond in the sum of Rs.5,000/- with one or two sureties in the like amount.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear, that the observations made herein, are *prima facie*, and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)