

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.185 OF 2016**

Dayanand Tanaji Mohre ..Applicant

v/s.

The State of Maharashtra. ..Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.111 OF 2016

Sagar Shrikant Gote ..Applicant

v/s.

The State of Maharashtra. ..Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.96 OF 2016

Vinay Gajanan Patil ..Applicant

v/s.

The State of Maharashtra. ..Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.97 OF 2016

Santosh Harichandra Alkunte & Ors. ..Applicants

v/s.

The State of Maharashtra. ..Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.226 OF 2016

Baktar Sayyad Shaikh & Ors. ..Applicants

v/s.

The State of Maharashtra. ..Respondent

Mr. V. V. Purwant i/b Vikrant V. Phatate for the applicant in ABA No.185/2016 and ABA No.226/2016.

Mr. Mahadeo A. Choudhari for the applicant in ABA No.111/2016, ABA No.96/2016 and ABA No.97/2016.

Mrs. Chaitrali Deshmukh i/b Mr. R. S. Alange, Intervenor in ABA No.111/2016, ABA No.96/2016 and ABA No.97/2016.

Mrs. G. P. Mulekar, APP in ABA No.185/2016 and in ABA No.111/2016.

Mr.D. P. Adsule, APP in ABA No.96/2016.

Mr. Arfan Sait, APP in ABA No.97/2016.

Mrs. Veera Shinde, APP in ABA No.226/2016.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th FEBRUARY, 2016.

P.C.

. These are applications for anticipatory bail filed by the aforesaid applicants apprehending their arrest in C.R.No.24/2016 registered with Mohol Police Station, District Solapur, for the offences punishable under Section 306 r/w. 34 of IPC.

2. The case of the prosecution in brief is that one Mahesh Chandrakant Deshmane, the husband of the first informant Smt. Komal Mahesh Deshmane, committed suicide. It is alleged that the applicants herein had abetted the said suicide. Pursuant to the FIR lodged by Smt. Komal Mahesh Deshmane, the aforesaid crime has been registered. The applicants, apprehending their arrest in the said crime had filed an application for anticipatory bail before the Sessions

Court. The said application came to be dismissed by Additional District Judge and hence the present application.

3. Heard learned counsels for the applicants, and the learned APP's for the State. I have considered the submissions advanced by the learned counsels for the applicants and the learned APP for the State, and perused the records. The FIR prima facie reveals that the deceased and some other persons were dealing in *bhishi* (chit fund). The FIR dated 11/1/2016 reveals that the husband of the complainant was under mental stress and tension. He was not talking to her, not coming home in time and was not eating and sleeping properly. She has stated that her husband had told her that some persons had not paid installments of said *bhishi* and that they were not receiving his calls. The FIR further reveals that the deceased had left the house at about 8.00 a.m. and had not returned and subsequently the complainant was informed that he had committed suicide. The complainant therefore lodged FIR against the applicants and others. The complainant had stated that her brother-in-law on 9/1/2016 had informed her that there was a quarrel between the deceased and some other persons at Veer Hotel, Mohol. Subsequently his body was found hanging to the ceiling fan in the room of hotel Omkar Palace, Modnimb.

4. Learned APP has submitted that suicide note which was found in the hotel discloses the name of the present applicants.

5. I have perused the said note alleged to be the suicide note which prima facie indicates that the applicants herein had not paid installments and were not receiving his phone calls. In my considered view, the allegations levelled in the said note do not prima facie fulfill the requirement of abetment as envisaged in section 107 of IPC. It is indeed unfortunate that the deceased has committed suicide but in the absence of any prima facie material to show that the applicants by their act or omission had instigated the deceased to commit suicide or that they had intentionally aided the said suicide, in my considered view it cannot be prima facie inferred that they have abetted the suicide.

6. The nature of the allegations levelled against the applicant do not justify custodial interrogation. Even otherwise the applicants are residents of Mohol, District Solapur and there is no possibility of the applicants absconding. The applicants have no criminal antecedents.

7. Considering the above facts and the nature of the

allegations leveled against the applicants, in my considered view, the applicants are entitled for bail. Hence, the anticipatory bail applications are granted on the following terms and conditions:

i) In the event of the arrest of the applicants in Crime No. C.R.No.24/2016 registered with Mohol Police Station, District Solapur, the applicants be released on furnishing bail bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each with one solvent surety in the like amount, to the satisfaction of the learned Additional Sessions Judge-3, Solapur.

ii) The applicants shall report to the Investigating Officer, initially for a period of 4 days from 10 a.m. to 1 p.m., from the date of receipt of this order and thereafter as and when required by the Investigating Officer for the purpose of interrogation.

iii) The applicants shall not interfere with the complainant or any other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)