

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.171 OF 2016

Deepak Gajanan Kalaskar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Jagdish U. Badgular, Adv. for the applicant.

Mr. S.H. Yadav, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 27th January, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicant apprehending his arrest in Crime No.681 of 2015 registered with Baramati City Police Station for offences punishable under Sections 306, 427, 504 & 506.

2. The case of the prosecution in brief is that the applicant and the other family members had committed mischief by demolishing the residential house wherein the deceased Ramchandra Kalaskar was residing. It is further alleged that the applicant and the other family members were insisting that the said residential house would be partitioned and that by constant demand for partitioning the residential house, the deceased Ramchandra Kalaskar committed suicide on 16th December, 2015. The applicant is, therefore, alleged to have been abetted suicide by said Ramchandra Kalaskar.

3. Mr. Nangre, the learned counsel for the applicant has submitted that the FIR which was lodged after about one month from the date of death of the deceased Ramchandra Kalaskar does not disclose the essential ingredients of the offence punishable under Section 306 of IPC. He has further submitted that the applicant is a government servant and that there is no possibility of the applicant absconding and thwarting of course of justice.

4. Mrs. Mulekar, the learned APP for State has submitted that the FIR prima facie indicates that the applicant was responsible for the death of Ramchandra Kalaskar. She therefore claims that there is prima facie material to show the involvement of the applicant in commission of the said crime.

5. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The FIR lodged by Rajendra Kalaskar, son of the deceased prima facie reveals that his father had purchased a residential house at Malusare Wada. The applicant herein was also residing in the said house since last 7 to 8 years. It is alleged that the applicant and the others had insisted for partitioning the said

residential house. The FIR further states that in November, 2015 the other co-accused had demolished the said residential house and taken away the tin sheets. The FIR further indicates that the deceased was under mental stress and tension because the applicant and other family members were constantly demanding that the residential house should be partitioned and due to which on 16th December, 2015, the deceased Ramchandra set himself on fire and that he succumbed to injuries in Silver Jubilee Hospital, Baramati on 20th December, 2015.

6. The FIR prima facie indicates that the deceased Ramchandra Kalaskar had committed suicide as he was in mentally disturbed state of mind. The allegations levelled in the complaint do not prima facie indicate that the applicant herein had committed any act or omission as envisaged under Section 107 of the IPC. Hence there is no prima facie material to link that the applicant herein has committed offence under Section 306 of the IPC.

7. The records further reveal that the complaint has been lodged after a period of one month from the date of the incident. The nature of the allegations in the FIR as well as delay in lodging the FIR would not justify custodial interrogation. Further more the applicant

is a government servant and is a permanent resident of Baramati, Pune. Hence there is no possibility of the applicant absconding and thwarting the course of justice. The applicant has no criminal antecedents. Considering the above facts and circumstances, the applicant is entitled for bail.

8. Hence the application is allowed on the following terms and conditions.

- (i) The applicant shall be released on bail on furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties in the like amount to the satisfaction of the Addl. Sessions Judge-1, Baramati.
- (ii) The applicant shall not tamper with the evidence or influence complainant and witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)