

Anand

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

ANTICIPATORY BAIL APPLICATION No.736 OF 2016

Dhananjay Hanumantrao Sonavane .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

ANTICIPATORY BAIL APPLICATION No.725 OF 2016

Bapusaheb Ranganath Pawar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.V.Bansode, Advocate, for the Applicant in
ABA No.736 of 2016

Mr.M.S.Mohite i/b. Mr.D.D.Shinde, Advocate for
the Applicant in ABA No.725 of 2016

Ms A.T.Javeri, APP, for the Respondent – State
in both matters

CORAM : REVATI MOHITE DERE, J.

DATE : 03.05.2016

P.C.

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

2. Since both the Applications arise out of the same C.R., they are being disposed of by a common order.

3. By these Applications, the Applicants seek pre-arrest bail in connection with C.R.No. 30 of 2016 registered with the Bhore Police Station, District – Pune(Rural), for the alleged offence punishable under Section 306 r/w.34 of the Indian Penal Code.

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4. Mr.Mohite, learned counsel for the Applicant submitted that the Applicant is in the employment of the Maharashtra Krishna Valley Development Corporation and is the Executive Engineer, where the deceased was employed. He submitted that the Applicant, as an Executive Engineer had eight sub-divisions, out of which, one sub-division was the Neera-Deoghar Project,

where the deceased was working. He submitted that on 04.04.2016, the deceased committed suicide, leaving behind a suicide note. He submitted that there are no allegations qua the Applicant and that only the Applicant's designation is mentioned in the said suicide note. According to the learned counsel, taking the prosecution case as it is, no offence as alleged is disclosed. He submitted that the deceased was not known to the Applicant.

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5. Mr.Bansode, learned counsel for the Applicant submitted that the Applicant was working as a Senior Clerk in a different department, of the Neera-Deoghar Project. He submitted that although, the Applicant has been named in the suicide note, the allegations made therein, do not constitute an offence punishable under Section 306 of the Indian Penal Code.

6. Both the learned counsel for the Applicants submitted that the deceased had applied for a job in the year 1979 under the category of Mahadeo Koli. They submitted that for his promotion, a proposal was sent and during his caste verification, it was learnt that the deceased did not belong to Mahadeo Koli and that a false Certificate was produced and hence the deceased committed suicide.

7. Learned APP does not dispute the fact, that the suicide note does not spell out the role of the Applicants and that the name of the Applicant-Bapusaheb Pawar has not been specifically mentioned in the suicide note.

8. Perused the papers. From the perusal of the suicide note, prima facie, it is doubtful whether an offence punishable under Section 306 of the Indian Penal Code is disclosed. It appears that the name of the Applicant-Bapusaheb

Pawar has not been mentioned in the suicide note and that only his designation is given. How and in what way, the Applicants were responsible, has not been spelt out in the suicide note. Be that as it may, in the facts, the custody of the Applicants is not required. Whether or not, an offence is disclosed of Section 306 of the Indian Penal Code/not, is a matter which will be considered by the trial Court.

9. Considering the peculiar facts and circumstances of this case, the applicants are granted anticipatory bail on the following terms and conditions :

ORDER

(i) In the event of arrest, the applicants be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the investigating officer of the Bhore Police

Station, District – Pune(Rural) as & when called for by the investigating officer.

10. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)