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

***CRIMINAL ANTICIPATORY BAIL APPLICATION NO.589 OF 2017***

|                          |               |
|--------------------------|---------------|
| Bharat Madhukar Gosavi   | ...Applicant  |
| Versus                   |               |
| The State of Maharashtra | ...Respondent |

Mr.Satyavrat Joshi, for the Applicant.

Ms.S.S.Kaushik, A.P.P. for the Respondent-State

I.O – R.P.Khandekar, Vairag Police Station, Solapur.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 5<sup>th</sup> APRIL, 2017***

**P.C. :**

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.84 of 2017 registered with the Vairag Police Station, Solapur, for the alleged offences punishable under Section 306

r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that the allegations against the applicant are false and that no offence under Section 306 is made out, qua the applicant.

4. Learned APP has produced the suicide note of the deceased - Guruprasad Mali and the statement of the sister of the deceased.

5. Perused the papers. The deceased – Guruprasad Mali was working in the Irrigation Department after the death of his father. It was a compassionate appointment. He was appointed sometime in 2012 and was working in the said Department as a Measurement Surveyor from 2012 to 2016 at Barshi, Solapur. It appears that the applicant from the period 2012 to 2016 was posted at Amravati and joined the Barshi office only on 13<sup>th</sup> June, 2016. The applicant had transferred the deceased to Javalgaon, Barshi sometime in January, 2017. It is alleged by the complainant, who is the mother of the deceased that her son was not allowed to join the office nor was he paid 2 months salary and was being harassed continuously by the

applicant and others from 2012 to 2017, as a result of which the deceased committed suicide. The suicide note written by the deceased, reads thus:-

“पाटबंधारे उपविभाग, बार्शी या कार्यालयाकडून माझ्या वडिलांना (कै. एस्.आर.माळी) त्रास झाला, त्यामुळे ते अॅटॅक (वरधक्याने) मृत झाले. मलाही असाच त्रास होता आहे”.

6. In the said suicide note the deceased has disclosed the names of the persons responsible for the harassment i.e. the Applicant, Mr.Havale, Mr.R.S.Kulkarni and Mr.Kande. The nature of harassment has not been spelt out in the suicide note. The allegation of the complainant and the deceased's sister is that the applicant and the others were harassing the deceased, and were not paying his salary, as a result of which he was under tension. It is also stated that because of the harassment he had tendered his resignation, however in February, 2016, he had again joined the office. The complainant has stated that again in January 2017 the deceased tendered his resignation as he was not allowed to report and as 2 month's salary was not paid to the deceased.

7. Although, the incident is indeed very unfortunate, however, prima-facie, it is doubtful whether an offence under Section 306 r/w 34 of the Indian Penal Code is made out in the facts of this case. Custodial interrogation of the applicant is not required. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :-

**ORDER**

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned police station, as and when called for ;
- iii) The Applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall co-operate with the Investigating Agency.

8. The Application is allowed and disposed of in above terms.

9. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.
10. All concerned to act on the authenticated copy of this order.

***(REVATI MOHITE DERE, J.)***