

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 602 OF 2017**

Ravindra Shridhar Kulkarni	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A. U. Nikam i/b Mr. Aashish Satpute for the Applicant

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

API Mr. Khandekar Ravindra Pandurang from Vairag Police Station, Solapur, is present.

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 7th APRIL, 2017

P.C.

1. Heard learned Counsel for the applicant and the learned A.P.P for the 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 Sections 306 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants seeks anticipatory bail on the ground of parity. He submits that similarly placed co-accused-Bharat Madhukar Gosavi, Tribhuvan Govind Kande and Chandrakant Ganpatrao Hawale, have been granted pre-arrest bail by this Court vide order dated 5th April, 2017 passed in ABA No. 589 of 2017 and 6th April, 2017 passed in ABA Nos.597/17 & 598/17. He submits that the applicant was a Sectional Engineer in the Irrigation Department and was serving at Javalgaon, Barshi, at the relevant time.

4. Learned A.P.P does not dispute the fact that the applicant is similarly placed as the other co-accused, who have been granted anticipatory bail by this Court.

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 deceased was transferred 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, बारशी 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. Mr. Rajguru, 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 the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called for;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact 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 in the aforesaid terms and is accordingly disposed of.

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.