

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 786 OF 2017**

1. Prashant Lalasaheb Bhosale,	
2. Arun Kisanrao Garud	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Kanishk Jayant i/b Mr. Aditya Mishra & Mr. Swapnil Kale for the Applicants

Mr. S. S. Hulke, A.P.P for the Respondent-State

Mr. Nikhil Baban Wakle for the Respondent No.2

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 16th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 197 of 2017 registered with the Wakad Police Station, Pune, for the alleged offences punishable under Sections 306 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants submits that the applicants are the partners of firm-M/s. Vastu Developers. He submitted that there was an agreement which had taken place between the developers i.e. M/s. Vastu Developers and deceased Hanumant Gaikwad and his brothers

with respect to a premises, on which, the building was constructed. The deceased-Hanumant Gaikwad and his brothers had taken possession of the constructed premises sometime in May-June, 2016. It appears that there was some dispute between the parties, pertaining to parking, conveyance and some other compliances to be made. The deceased-Hanumant Gaikwad committed suicide on 31st March, 2017. It appears that deceased Hanumant Gaikwad had left two suicide notes. In one suicide note, he has stated that due to heart ailment, he was committing suicide and that nobody was responsible for the same. In the second suicide note, he has stated that the builders i.e. the applicants had cheated him and since he was a heart patient, he could not bear the same as a result of which, he was committing suicide.

4. Learned A.P.P opposed the application. Learned Counsel for the complainant also opposed the application. He submits that the applicants had cheated the complainant, as a result of which, the complainant committed suicide. He submitted that in 2013, the deceased and the applicants had entered into a Development Agreement and that pursuant to the Development Agreement, the applicants were to hand over

two flats to the deceased. He submits that the applicants handed over only one flat to the deceased, as a result of which, he was mentally disturbed and pursuant thereto committed suicide.

5. Perused the papers including the suicide note written by deceased Hanumant Gaikwad. In the first suicide note, he has stated that for the last nine years, he was suffering from Blood Pressure and heart problems and that the family members had taken lot of efforts to get him well. He has further stated that being fed up of his illness, he was committing suicide and that nobody was responsible for the same. He has stated that he himself was responsible for the suicide. In the last sentence, he has stated that the builder had cheated him. In the second suicide note, he has stated that the builder i.e. the applicants had cheated him and since he was a heart patient, he could not bear the same, as a result of which, he was committing suicide.

6. Considering the suicide notes, *prima facie*, it is doubtful whether an offence under Section 306 of the Indian Penal Code is disclosed, in the facts of the case. Be that as it may, custodial interrogation

of the applicants is not required. Accordingly, application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called.
- (iii) The applicants shall not attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.