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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.983 OF 2017

Shriyank Gajanan Salunkhe

...Applicant

Versus

The State of Maharashtra

...Respondent

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

Ms.Anamika Malhotra, A.P.P for the Respondent-State.

P.I.-Daniel John Ben, Khed Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 109 of 2017 registered with the Khed Police Station, Ratnagiri, for the alleged offences punishable under Sections 306, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that no offence as alleged, is disclosed qua the applicant. He submits that the applicant is, in no way, concerned with the construction company, inasmuch as, he is neither the partner nor the owner of the construction company, which is constructing buildings at Khed. He further submitted that there are no allegations that the applicant either threatened or in any way, abetted the commission of suicide of deceased-Farukh Rumane. He further submits that there was a dispute with regard to the construction carried out, by the deceased-Farukh and that out of 16 buildings, the deceased had completed 6 buildings and that construction of 10 buildings was incomplete. He further submitted that since 2013, an amount of Rs. 2,07,37,000/- was paid by the Company to Farukh Rumane and his associates.

4. Learned APP states on instructions, that the Investigating Officer has verified that an amount of Rs. 2,07,37,000/- has been paid by the Company to Farukh Rumane and his associates. She, however, submits that there is a suicide note and in the suicide note, deceased Farukh has disclosed the name of the applicant alongwith Madhukar Salunkhe. She further submits that it is mentioned in the suicide note, that as the said

persons refused to pay the balance amount of Rs. 50 lakhs, he was committing suicide.

5. Perused the papers and the suicide note. No doubt, the suicide note mentions the name of the applicant and Madhukar Salunkhe, as being the persons responsible for him committing the suicide, however, the fact remains, whether the aforesaid allegation made in the suicide note, would constitute an offence under Section 306 of the Indian Penal Code. It appears that there was a dispute with regard to the construction carried out by the deceased-Farukh and that out of 16 buildings, the deceased had completed 6 buildings and that construction of 10 buildings was still incomplete. It is not in dispute that since 2013, an amount of Rs. 2,07,37,000/- was paid by the Company to Farukh Ruman and his associates.

6. Be that as it may, in the facts, custodial interrogation of the applicant is not required. The application is accordingly 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.25,000/- 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, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall co-operate with the Investigating Agency.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)