

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1292 OF 2017

Jency Jonson Narakatta

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.K.R.Satheesh i/b. Mr.B.A.Aloor, Advocate, for the Applicant
Ms A. Malhotra, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.308 of 2017 registered with the Baramati City Police Station, Pune(Rural), for the alleged offences punishable under Sections 306, 504, 506, 507 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the allegations as against the Applicant are false and baseless. He submits that taking the prosecution case as it stands, no offence as alleged is disclosed qua the Applicant. He submits that the dispute was a monetary

transaction and that the Applicant cannot be saddled with the allegation of abetting the deceased to commit suicide.

4. Learned APP has produced the papers.

5. Perused the papers. It appears that there were some monetary transactions with regard to sale of sugar between the deceased and the Applicant and other accused. It appears that the Applicant and her husband were working as commission agents. According to the prosecution, on 04.05.2017, Rajesh Pillay (deceased) committed suicide by consuming poison. Rajesh Pillay expired on 05.05.2017, pursuant to which an FIR was lodged on 18.05.2017. According to the Complainant – Smt. Smita Rajesh Pillay, her husband – Rajesh Pillay committed suicide as he was fed up with the threats given by the accused and persistent calls being made by them. According to the Complainant, the present Applicant and her husband visited the house of Rajesh Pillay on 03.05.2017 and demanded money and threatened the deceased, pursuant to which he committed suicide on the next day i. e. 04.05.2017. A perusal of the statement of Bharat Kale shows that he was with the deceased on the day of the incident. He has stated that he was in the office alongwith Rajesh (deceased). He has stated that Rajesh had asked

him to pull out the Bank statements and to prepare accounts, pursuant to which he sat on the Computer. He has stated that as he had some doubts, he went to ask Rajesh. However, Rajesh was on his mobile and disclosed to him that he would help within two minutes and accordingly, went outside the house. He has stated that after some time, he heard Rajesh was vomiting in the bath room. Thereafter, the Complainant came and he was taken to the hospital. It appears that there was a dispute with regard to transportation of the sugar between the deceased and the accused. No doubt, the incident is unfortunate. However, prima facie, it is doubtful whether an offence punishable under Section 306 of the Indian Penal Code is disclosed qua the Applicant.

6. Considering the aforesaid, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR 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 on **27th & 28th July, 2017** between **10.00 a.m.**

to 12.00 noon and thereafter, as & when called for by the investigating officer till the filing of the charge-sheet or for a period of three months whichever is early;

(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.

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 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.)