

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

ANTICIPATORY BAIL APPLICATION NO.1551 OF 2017

Rabhaji Dhondoba Thube Applicant
 Vs.
The State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1520 OF 2017**

Uttam Nathu Raskar Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Samarth Patil i/by Mr. Pranav P. Pokale for the Applicant in ABA No.1551 of 2017.

Mr. Aniket Nikam i/by Mr. Aashish Satpute for the applicant in ABA No. 1520 of 2017.

Mr. Vinod Chate, APP for the State.

Mr. Samarth Wagmode, PSI, Shirur Police Station, Pune (Gramin).

Coram : *Smt. Sadhana S. Jadhav, J.*

Date : *13th December, 2017*

P.C.:

1 Heard the learned counsel for the applicants and the

learned APP.

2 These are the applications under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.420 of 2017, registered at Shirur Police Station, on 18th June, 2017, for the offence punishable under Section 306 Indian Penal Code.

3 It is the case of the prosecution that one Vaibhav Chandrakant Pacharane lodged a report at the Police Station on 18th June 2017 alleging therein that his brother Yogesh Chandrakant Pacharane was working as a Peon in Panchayat Samittee, Shirur and his wife Varsha Yogesh was a civil engineer and she was getting work-contracts of Panchayat Samittee. In the year 2008, his father Chandrakant has stood as a guarantor to Devram Maruti Gawade, who had taken a loan from Parner Sainik Sahakari Bank. Since the loan could not be recovered, the bank was pressurising Devram to repay the amount and therefore Yogesh and his wife had changed their residence. It is alleged that Varsha had taken contracts of Panchayat Samittee and had given sub-contract to the present applicants. It is alleged that she had paid their dues but prior to

paying the dues, she had issued cheques in their favour. The applicants had not returned the said cheques. That they were threatening Varsha to give more sub-contracts to them and had also threatened that they would present the cheques for encashment and lodge a case against her. It is, in these circumstances that Yogesh, who happens to be husband of Varsha has committed suicide. According to the complainant, his brother Yogesh has committed suicide due to harassment meted out to Varsha at the hands of the present applicants.

4 Learned counsel for the applicants submits that the allegations levelled against the present applicants would not make out a case either of abetment to commit suicide or it would neither amount to aiding the commission of suicide and hence, the applicants deserve pre-arrest bail. Taking into consideration the facts of the case, no case is made out for custodial interrogation. Hence, the applicants deserve pre-arrest bail.

5 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

1 The applications are allowed.

2 In the event of arrest in Crime No. 420 of 2017, registered at Shirur Police Station, on 18th June, 2017, for the offence punishable under Section 306 Indian Penal Code, the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount.

3 The applicants shall co-operate the investigating agency and report to the concerned police station as and when called by Police.

The applications are accordingly disposed of.

(*Smt. Sadhana S. Jadhav, J*)