

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 19 OF 2018***

Dr. Sachin Prabhakar Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket U. Nikam i/b. Mr. Aashish Satpute, for the applicant.

Mr. S. H. Yadav, APP, for the State.

Mr. S. G. Kelle, PSI, Bhadrakali Police Station, Nashik City present.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 9th January, 2018.

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C. apprehending his arrest in Crime No. 788 of 2017 registered at Bhadrakali Police Station, Nashik for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that one Mangal Janardan Pawar, who was working with Siddhi Vinayak Hospital. That her son was in need of a job and, therefore, she had recommended him to Dr. Pravin Sawant and others. His son i.e. Ganesh @ Siddharth Pawar was working

as X-ray technician with Siddhi Vinayak Hospital. Some friends of Dr. Pravin Sawant i.e. Sandip Patil were running Manas Hospital. The applicant is an Orthopedic Surgeon who was working with Manas Hospital. The son of the first informant was working with Siddhi Vinayak Hospital as well as Manas Hospital. The first informant has alleged that on 23rd April, 2017, the son of the first informant had taken away the motorcycle of Sandip Patil. FIR was registered against Ganesh Pawar. He was enlarged on bail. He used to attend the Court regularly on scheduled dates. It is alleged that he was threatened by Doctors of Siddhi Vinayak Hospital as well as Manas Hospital. That they would spoil his career and he would not be able to work in any other the establishment. That on 15.11.2017, he had disclosed his pathetic situation to his father on the same day at night he has committed suicide by hanging. On 16.11.2017, his mother had noticed that he had committed suicide and thereafter on 21.11.2017, an FIR was lodged on the basis of which Crime No.788 of 2017 was registered at Bhadrakali Police Station.

3. The learned APP submits that being fed up with the harassment meted out to him at the hands of the applicant and his friends, Ganesh @ Siddharth Pawar was driven to commit suicide and therefore the

applicant would be liable for an offence punishable under Section 306 of IPC and hence the applicant does not deserve discretionary relief under Section 438 of Cr.P.C.

4. Upon perusal of the FIR and the other statements of the witnesses, prima facie, it cannot be said that the applicant had either abetted, facilitated or instigated the commission of suicide. The allegation against the applicant is restricted to the fact that all the accused persons would not allow Ganesh Pawar to work at any other establishment. In view of these facts, the applicant deserves to be granted pre-arrest bail.

5. However, it is made clear that the observations are prima facie in nature and restricted to an application under Section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bod in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall report to Bhadrakali Police Station as and

when called and co-operate with the investigating agency to the best of his capacity.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)