

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 162 OF 2018**

1. Bhalchandra Barku Choudhari	)	
2. Harishchandra Barku Choudhari	)	
3. Kaluram Trimbak Karmelkar	)..	Applicants
Versus		
The State of Maharashtra		Respondent

Mr.Kuldeep S. Patil, for the applicant.

Mrs.Veera Shinde, APP, for the State.

Mr. Kiran Shaligram, API, Panvel Taluka Police Station present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 12th February, 2018.

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C.
The applicants herein are arrested on 11.12.2017 in Crime No.169 of 2017 registered at Panvel Taluka Police Station, Dist. Raigad for the offences punishable under Sections 306, 504, 506(2) read with Section 34 of the Indian Penal Code.

2. Is is the case of the prosecution that on 9.2.2017. the dead body of Mahesh Arjun Choudhari was found on the Railway track at Panvel Railway Station. The dead body was identified by the father of the

deceased based on the documents and the cellphone. Thereafter, he lodged a report at the police station alleging therein that the police had shown him a letter found on the person of the deceased. He had named about six persons.

3. Perused the papers and contents of the letter. It is alleged that the people mentioned in the said suicide note had defamed the deceased and subjected him to social obloquy by spreading rumors against him. His marriage was settled and the same was broken because of the people mentioned in the suicide note. There is no specific reference as to how the abovementioned people had defamed the deceased. Perused the papers of investigation. It appears that on 5.5.2017, the present applicant No.1 had written a letter to the P.I. of Panvel Taluka Police Station contending therein that his wife Archana is threatening him that she would consume poison or commit suicide by jumping before the train. Upon query from the applicant No.1, she had disclosed that she had developed intimacy with another person and that she desired to elope with him. When the present applicant had been to Mall, his wife had met Mahesh Choudhari and that she had deserted the applicant No.1. He had candidly disclosed that he has an affair with Archana who happens to be the wife of applicant No.1. Archana had

then deserted the applicant No.1 and was residing with her parents. The applicant No.1 had discussed the said issue with her parents as they were apprised of the same. There was a meeting of the family members and the relatives where the said issue was discussed. In all probabilities, the deceased Mahesh Choudari was disturbed because of the said meeting and the fact that his family members and his relatives had learnt about his intimacy with Archana. The record shows that on 6.1..2017, Harishchandra Choudhari, who is also named in the suicided note had lodged a cognizable case against Mahesh Chaudhari.

4. Taking into consideration the papers of investigation, more particularly the suicide note and the reports lodged by the present applicant No.1, it cannot be said that the present applicants had abetted, instigated or facilitated the commission of suicide of Mahesh Chaudhari. The applicant Nos. 2 and 3 are named in the suicide note. However, they happen to be the relatives of the present applicant Nos. 1 and 3 really not concerned either with the marital relations between applicant No.1 and Archana or the intimacy between Mahesh Chaudhari and Archana. In view of the abovementioned facts, the applicants deserve to be enlarged on bail.

5. However, the observations are restricted to an application

under Section 439 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) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or more solvent sureties in the like amount.
- (iii) The applicants shall report to the concerned police station n every Sunday between 10.30 a.m. to 12 noon till the filing of the charge sheet.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)