

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

ANTICIPATORY BAIL APPLICATION NO.484 OF 2018

Bhanudas Ramchandra Kale & Ors. Applicants
Vs.
The State of Maharashtra Respondent

Mr. Ishwar S. Charlewar for the Applicants.
Mr. S.R. Agarkar APP for the State.
Mr. Ashok D. Kshirsagar, PI, Karad Taluka Police Station, Satara.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *4th June, 2018*

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.40 of 2018, registered at Karad Taluka Police Station, District Satara, for the offences punishable under Sections 306, 504, 506 read with 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 27th January 2018, Surekha Deepak Jadhav lodged a report at the police station alleging therein that the present applicants were residing as their neighbours. There was a dispute between her husband and the present applicants over the property. Her husband had filed Regular Civil Suit bearing No. 255 of 2015 against the present applicants. The present applicants had continued with the construction on their site. The application filed under Order 39, Rules 1 and 2 of Code of Civil Procedure by Deepak Jadhav was rejected. It is the case of the prosecution that on 26th January 2018, Deepak had left the house in the morning and did not return home. While the complainant was searching for him, she saw a crowd near the temple of Mukund Maharaj and there she found that her husband had committed suicide by hanging to a tree. According to the complainant, her husband was harassed by the present applicants as they used to abuse him, taunt him for almost one year. Her son Jivan was also assaulted by the present applicants and N.C. No. 355 of 2017 was registered against them.

4 Learned APP submits that there is a suicide note by deceased Deepak, wherein he has stated that Bhanudas, the applicant no.1 had assured him that a common wall would be constructed in a common space. However, he had constructed the wall in the area occupied by Deepak and therefore there was a quarrel between them. There was civil dispute. That his son was assaulted. The present applicants had continued with the construction. There was a meeting of the villagers, in which the applicants had behaved adamantly with Deepak and being frustrated with the act of the applicants, he had committed suicide. On perusal of papers of investigation, it prima facie appears that it cannot be said that the present applicants had in fact abetted, instigated and/or facilitated the commission of suicide. In fact, there were civil disputes pending before the Court and the said proceedings would be taken to its logical end. This court is of the opinion that the custodial interrogation of the applicants would not be imperative. Hence, the applicants deserve pre-arrest bail.

5 However, it is made clear that the observations made hereinabove are restricted to the application under Section 438 of Code of Criminal Procedure. The same shall not be considered for the purpose of quashing of F.I.R., discharge application or at the trial. Hence, the following order is passed :

ORDER

- 1 The application is allowed.
- 2 In the event of arrest 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 report to the investigating officer everyday from 7th June 2018 to 12th June 2018 between 10.30 to 1.00 pm. and co-operate the investigating agency. The applicants shall not tamper with the evidence.

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