

56- ABA 540 of 2018 and ors

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

ANTICIPATORY BAIL APPLICATION No. 540 OF 2018

Raghunath Jagannath Zambare	...Applicant
Vs.	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION No. 594 OF 2018**

Shankar Maruti Dikshit (Sonar)	...Applicant
Vs.	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION No. 663 OF 2018**

Kantilal Vasudeo Ulbhagat	...Applicant
Vs.	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION No. 856 OF 2018**

Sadhana Hanumant Badake	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. Virendra Pethe a/w. Ms. Tanvi Kamat i/b. Mr. Mandar Limaye for Applicants

Mr. S.R. Agarkar -APP

Mr. Umesh Dhumal, API

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: AUGUST 13, 2018

P.C.

1. Heard the learned counsel for the Applicant and the learned APP for State.
2. This is an application under section 438 of Cr.P.C.
3. The Applicants herein are apprehending their arrest in Crime No. 27 of 2018 registered at Karkamb Police Station, Dist. Solapur for offences punishable under Section 306, 504 r/w. 34 of the Indian Penal Code.
4. It is the case of the prosecution that Chaya Pandurang Aivale lodged a report at the police station alleging therein that her husband had illicit intimacy with the Applicant in Bail Application No. 856 of 2018. She used to demand money from him. The husband of the complainant was continuously demanding money from his wife and the same was to be given to the Applicant in Bail Application No. 856 of 2018. The complainant was fully aware that the husband had illicit intimacy with the Applicant in Bail Application No. 856 of

2018.

5. On 18th September, 2017, the husband of the Complainant due to frustration, had committed suicide by consuming poison and hence, the report is lodged. The suicide note left by Pandurang that he owes money from several people. The list does not show the name of the Applicant in Bail Application No. 540 of 2018. The allegation against Raghunath Zambare, the Applicant in BA No. 540 of 2018, is that he was neighbor of Sadhana Badake. The allegation against him is that he was threatening deceased.

6. The learned counsel for the Applicant submits that the Applicant is working as a teacher in Shelvave Krishi Vidhyapeeth since 2001 and he was in no way concerned with Sadhana Badake at any time.

7. The suicide note indicates that he was frustrated because of the liabilities, which was incurred, was due to borrowing from others and due to this, he had gone into depression and committed suicide. He has named four persons who had threatened him and the names of the present Applicants are indicated in the suicide note (except Applicant in ABA No. 540 of 2018).

8. In any case, it cannot be said that the Applicants herein had instigated, facilitated or abated committing suicide by Pandurang and hence, they deserve pre-arrest bail. The order granting interim protection dated 20th March, 2018

deserves to be confirmed on the same terms and conditions.

The observations are 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.

8. Hence, the following order is passed.

ORDER

(i) In the event of arrest of the Applicants in C.R. No. 27 /2018 registered with Karkamb Police Station, District Solapur, they be released on bail on their executing P.R.bond in the sum of Rs.20,000/- with one surety in the like amount.

(ii) Applicants shall attend the Investigating Officer, as and when called.

Applications are allowed in the aforesaid terms and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]