

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1516 OF 2018

1 Sunil s/o Babaji Palande.
2 Amay s/o Suresh Birje.
3 Vishal (Vikky) s/o Sardarilal Sharma. ..Applicants.

V/s.

The State of Maharashtra & anr. ..Respondents.

Mr. Vijay Latange I/b. Mr. Sudhir I. Nandode, advocate for applicants

Mr. Prashant Jadhav, APP for State.

Mr. M.R. Ghuge, PSI, Pimpri Police Station, Pune City.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 30, 2018.

P. C. :

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1908. The applicants herein are apprehending their arrest in Crime No. 378 of 2018 registered at Pimpri Police station for offence punishable under section 306 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that one Sachin Dhavale had

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committed suicide on 27/5/2018. After his demise, his brother Sharad Dhavale lodged a report at the police station alleging therein that the deceased Sachin Dhavale was into manufacturing of fabricated stall. He had fabricated the said stall and had left them in front of his house and the same were to be supplied to new hawkers' zone. He had taken advance amount from the people who had booked the stalls. The wife of the applicant happens to be the Municipal Councilor. They had coerced Sachin Dhavale to sell the said stall at lower price. Some of the stalls are stolen from front of his house by Vishal Sharma and Amay Suresh Birje. It is alleged that Amay Birje had also threatened the deceased as well as other witnesses. On 27/5/2018 Sachin Dhavale had left suicide note that he could not repay the money to the people who had already booked the said stalls. There is also a mention that the present applicant No. 1 and his wife had sold the said stalls to other person.

4 In the above mentioned circumstances, it cannot be said that the applicants herein had instigated, facilitated or abetted commission of suicide. The deceased had not lodged any report with the police prior to death in respect of the act of the present applicants and the wife of the applicant No. 1. He has taken an extreme step of committing suicide for which the present applicants cannot be held responsible although they can be prosecuted for other offences according to the law. In view

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of this, the applicants deserve pre-arrest bail.

5 The observations hereinabove are prima facie and restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration for quashing of FIR, discharge application or at the time of trial.

6 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 378 of 2018 registered at Pimpri Police Station, the applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 50,000/- each with one or more solvent sureties in the like amount.

(iii) The applicants shall report to the concerned police station on 4/8/2018 to 8/8/2018 everyday between 10.30 a.m. to 1.00 p.m. and cooperate with the investigating agency to the best of their capacity.

(iv) The applicants shall not tamper with the evidence.

7 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna Sandeep
Talwalkar

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