

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

BAIL APPLICATION NO.2724 OF 2017

Shri. Ramesh Laxman Pawar Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Rameshshwar N. Gite for the Applicant.
Mr. S.H. Yadav, APP for the State.

Mr. Rahul Yadav, PSI Yawat Police Station present.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 31st January, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 30th October 2017 in Crime No.477 of 2017, registered at Yawat Police Station, Taluka Daund, District Pune, for the offences punishable under Sections 306 504 and 506 read with 34 Indian Penal Code.

3 It is the case of the prosecution that on 25th July, 2017, one Rahul Manikrao Dake had committed suicide. He was working as Junior Technician in MSEDCL. On 28th July, 2017, Balasaheb Manikrao Dake, the brother of Rahul had lodged a report at the police station alleging therein that deceased- Rahul had disclosed to the family members on several occasions that he is being harassed by the present applicant and the other staff members. That Rahul was working as a sub-ordinate of the present applicant. It is alleged that without any reason the applicant was harassing Rahul. Rahul had met with an accident and therefore he could not climb electric poles and the applicant had insisted upon him to conduct such jobs. On 25th July, 2017 before committing suicide, Rahul had written a suicide note alleging therein that he is committing suicide due to harassment meted out to him at the hands of the present applicant. On the basis of this report, crime No.477 of 2017 came to be registered. The investigation is completed and charge-sheet is filed.

4 Upon perusal of the papers of investigation, prima facie, it cannot be said that the applicant had aided, abetted or facilitated the commission of suicide. The allegation against the present applicant is that, he had harassed Rahul in such a manner that he was driven to commit suicide. It is a matter of record that the applicant happens to be superior authority as well as supervising authority of deceased-Rahul and it was his duty to get the work

done, it cannot be said that maintaining discipline in the job, would amount to harassment.

5 Upon considering the papers of investigation, this Court is of the opinion that the applicant has made out a case for grant of bail.

6 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

1 The application is allowed.

2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

(Smt. Sadhana S. Jadhav, J)