

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2079 OF 2019

Rajendra @ Shahaji Shripati Patil] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Satyavrat Joshi i/b Mr. Sunil Kamble, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the State/Respondent.

Mr. Subhash Sarvadekar, PN 1872 attached to Laxmipuri Police Station, Kolhapur present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 25th SEPTEMBER, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.214/2019 registered with Laxmipuri Police Station, Kolhapur u/sec.306, 511, 309, 116 r/w 34 of I.P.C.

2. The FIR is lodged on the basis of the statement given by the deceased Raju Vavare itself. This statement was given on 06/08/2019 and the first informant had succumbed to his injuries on 08/08/2019. The FIR mentions that, on 25/07/2019, he was confronted by owners of Mahadev Shivraj Petrol Pump regarding misappropriation of money

and falsification of accounts. The owner Bajirao Patil made allegations that, the informant had misappropriated huge amount. It is mentioned in the FIR that, on 25/07/2019 when he had removed 5 Litres of gas, the present applicant insisted that, the informant had removed 20 Litres of gas. The applicant was one of the partners who were owning that particular petrol pump. It is further mentioned in the FIR that, on that day Bajirao Patil forced the informant to give a writing on stamp paper that, he had removed fuel unauthorisedly. However that stamp paper was not used by anybody. On 01/08/2019, Bajirao Patil and his son Shivraj @ Aniket Patil forced him to execute writing on a stamp paper mentioning that, he had committed fraud. They obtained documents in respect of ownership of his house. On 03/08/2019 the applicant gave them those documents. On 04/08/2019 the informant in the state of depression consumed poison. Thereafter, he was admitted in the hospital. After his statement was recorded, FIR was lodged. He succumbed to his injuries on 08/08/2019.

3. Heard Mr. Satyavrat Joshi, Ld. Counsel for the Applicant and Smt. A.A. Takalkar, Ld. APP for the State/Respondent.

4. Mr. Joshi submitted that, the main allegations are attracted against Bajirao Patil and his son Aniket. There are no allegations against the present applicant and the applicant has not played any role which can be said to be abetment to commission of suicide.

5. Ld. APP relied on the investigation papers. The investigation papers included two stamp papers mentioned in the FIR.

6. I have considered these submissions. In the FIR and even the supplementary statement are mainly directed against Bajirao Patil and his son Aniket. Though, in the supplementary statement, there is vague and general reference to the applicant's name. However, the documents executed on a stamp paper show that Bajirao Patil had made the informant to write that the informant along with present applicant had committed the fraud on petrol pump. Thus, it appears that, Bajirao Patil and his son Aniket were on one side and the deceased and the applicant on the other side. The informant had no role to play in the commission of offence. Therefore, at this stage, there is considerable force in the statement of Mr.Joshi that, the applicant had not committed any offence which instigated or abetted the deceased in committing suicide. In this view of the matter, the

custodial interrogation of the applicant is not necessary. He shall co-operate with the investigation. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.214/2019 registered with Laxmipuri Police Station, Kolhapur, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The applicant shall attend the concerned police station as and when called and he shall co-operate with the investigation.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)