

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

CRIMINAL BAIL APPLICATION NO. 1180 OF 2019

Daulat Tukaram Shinde

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Satyavrat Joshi, Advocate for the Applicant.
- Mr. S.S. Pednekar, APP for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JULY, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No. 753/17 registered at Chakan Police Station, Pune under Sections 323, 504, 506, 306 read with 34 of the IPC.

2. The FIR was lodged by one Dnyanoba Taktode on 9th August 2017 in respect of suicide committed by his son Manohar. It is mentioned in the FIR that the wife of the deceased was having illicit relationship with the present applicant. Deceased was disturbed because of that and on 8th August 2017 he had committed suicide by hanging himself with Odhani in his house. Based on these allegations, FIR was lodged.

3. Subsequently, the first informant changed his version by giving supplementary statement dated 9th August 2017. In that statement he has stated that the deceased was residing separately with his wife and son. The wife of the deceased had borrowed amount of Rs.70,000/- to 80,000/- from wife and sister of the present applicant. It is further mentioned in his supplementary statement that the applicant, his wife and sister were demanding that amount from the wife of the deceased. The wife of the deceased had gone to Mumbai to stay with her parents since about five to six months prior to the incident. The deceased was staying alone. As per the allegations, the applicant and his sister used to approach him and demand their dues. Ultimately, on 8th August 2017 the deceased committed suicide. The first informant has further mentioned that he came across a notebook of the deceased on 9th August 2017 in the house mentioning that the present applicant and his sister were responsible for his death.

4. Investigation continued. The postmortem notes shows that the deceased had committed suicide because of asphyxia due to hanging. The investigation papers contains statements of mother

Kamal Taktode and brother Ashok Taktode of the deceased. Those statements are on similar lines as the supplementary statement of the first informant.

5. There is a statement of the wife of the deceased. She has also stated that she herself had taken twenty thousands rupees from the applicant's wife and about seventy to eighty thousands rupees from the applicant's sister. But she was not in a position to return that money. The applicant, his sister and wife were harassing her for returning their money and therefore she had gone to Thane to reside with her mother. It is her case that the deceased used to tell her that the applicant and his sister used to harass the him for their dues.

6. The applicant was arrested on 25th January 2019 and since then he is in custody. Learned APP makes a statement that the wife of the deceased, Suhasini, was also made an accused, but subsequently she was dropped from the list of the accused by filing report under Section 169 of the Cr. P.C.

7. Heard, Mr. Joshi, learned counsel for the applicant as well as Mr. Pednekar, learned APP for the State.

8. Learned counsel for the applicant submitted that the first informant has changed his version and two materially different stories are narrated by him on two different dates. Initially the allegations were that the present applicant was having illicit relations with the wife of the deceased. In the FIR, there is no mention of monetary transaction between the applicant and the deceased. He submitted that if really the deceased was harassed for the repayment of the loan, there would have been a statement in the FIR to that effect. Significantly, the FIR does not make any reference to any monetary transaction between the applicant and deceased.

9. Subsequent story is developed after purportedly the suicide note was found. Though the story of taking loan is corroborated by the wife of the deceased, she herself was made an accused earlier and later on she was dropped from the list of the accused under Section 169 of the Cr. P. C. So there is a possibility that she may not be telling the complete truth to save herself.

10. I have considered these submissions. The suicide note allegedly mentions the name of the present applicant and also

makes reference to his sister. There is no sufficient evidence to point out the exact nature of harassment caused by the present applicant. The FIR is silent about the alleged monetary transaction between the first informant and the deceased. There was no reason as to why the first informant would not have made any reference to the transactions between the deceased and the applicant. There are no independent eye witnesses who had actually seen the applicant approaching the deceased. The degree of harassment is also not clearly reflected in the entire chargesheet.

11. The deceased was residing separately from his wife. He had not made any grievance to anybody including any of the authorities in respect of the alleged harassment caused by the present applicant in the past. The investigation is already over and the applicant is in custody since 25th January 2019. His further custody during pendency of the trial will not serve any purpose. The evidence against him is not very strong.

12. In this view of the matter, applicant can be released on bail. Hence, the order:-

ORDER

1. The Applicant is directed to be released on bail, in connection with C.R.No. 753/17 registered at Chakan Police Station, Pune, on his executing 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.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)