

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1082 OF 2019**

Hanuman Shantappa Koli

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Mahesh R. Bhokarikar for the Applicant

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 10th JULY 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 114 of 2019 registered with the Hill Line Police Station, Ulhasnagar, District Thane, for the alleged offence punishable under Section 306 of the Indian Penal Code.

3 Learned counsel for the applicant submits that taking the prosecution case as it stands, no offence punishable under Section 306 of

the Indian Penal Code, is made out *qua* the applicant. He submits that according to the complainant (wife of deceased), her husband left the house on 11th March 2019, stating that he was going to the shop and then to Pune and that he would return late. She has stated that as her husband did not return, she visited the shop on the next day i.e. on 12th March 2019 and found that her husband had hung himself in the shop. According to the complainant, a chit was found in the pant-pocket, which stated that the applicant was responsible for the act. Pursuant thereto, the complainant lodged a complaint with the Hill Line Police Station on 5th April 2019.

4 Perused the papers. It appears that the complainant's husband had written a suicide note, which was found in his pant-pocket, in which, he (the deceased) has, in one Line, stated that, 'Hanuman Koli (the applicant) is responsible for his death'. Whether or not the offence would be one under Section 306, is a matter, which will be decided by the trial Court.

5 Having regard to what is stated aforesaid, custodial interrogation of the applicant is not warranted. Accordingly, the

application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet;
- (iii) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iv) The applicant to cooperate with the investigating agency.

6 The application is accordingly disposed of in the aforesaid terms.

7 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.