

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

ANTICIPATORY BAIL APPLICATION NO. 1146 OF 2019

Pawan Nanabhau Kedar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

**WITH
CRIMINAL APPLICATION NO. 803 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO. 1146 OF 2019**

Rishikesh Ashok Khedkar	...	Intervenor (Orig. Complainant)
In the matter of		
Pawan Nanabhau Kedar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. M.K. Kocharekar i/b Mr. Sachin Babulal Chandan for the Applicant.
Mr. V.B. Konde-Deshmukh, A.P.P. for Respondent – State.
Mr. Sushrut Jadhwar for the Intervenor-Orig. Complainant.
Mr. D.D. Tele, A.C.P. Ulhasnagar Division, Thane City, present.

**CORAM : SARANG V. KOTWAL, J.
DATED : 22nd MAY, 2019.
(VACATION COURT)**

P.C. :

1 The applicant is seeking anticipatory bail in connection with
C.R. No.I/193/2019 registered at Central Police Station, Ulhasnagar,
District Thane, under Section 306 of I.P.C.

2 The F.I.R. is lodged on 03.05.2019 by one Rushikesh Khedkar. According to the First Informant, his younger brother Satish, aged 19 years, was conducting business of restaurant since 10.04.2019. He was paying Rs.16,000/- per month for rent of his business. The business of restaurant was conducted between 3.00 p.m. to 12.00 a.m. According to the First Informant, on 22.04.2019 Satish told him and his mother that he was being harassed by police and the present applicant was foisting false cases against him. It is further mentioned in the F.I.R. that on 27.04.2019, the present applicant came to their hotel and had a private talk with Satish. After the applicant left, Satish and his friend Premkumar, who was present during the meeting, told the First Informant that applicant was demanding Rs.10,000/- from Satish for conducting his business. Applicant had further told Satish that if it was not possible to pay Rs.10,000/- then they should pay atleast Rs.200/- to Rs.300/- per day and also serve him food whenever required. Because of this demand of extortion money, First Informant Satish was under pressure. On 02.05.2019, around midnight, Satish was taken to Police Station and a case was registered against him. On the same day, at around 5.30 p.m., Satish committed suicide by hanging himself in his bedroom, therefore, the First Informant lodged F.I.R. against the present applicant for causing harassment amounting to abettment to commit suicide.

3 Heard Shri Kocharekar, the learned Counsel for the applicant and Shri Konde-Deshmukh, learned A.P.P. for the State. I have also perused the investigation papers in respect of the investigation carried out which is still in progress.

4 Shri Kocharekar submitted that the present applicant is employed as Police Constable and is diligently doing his duty. The applicant, in performance of his duty, has taken legitimate action against the deceased for which he cannot be penalized or cannot be termed as an offender. He further submitted that not only the present applicant but other Police Officers had also taken action against the deceased for conducting his business in violation of the rules.

5 As against this submission, Mr. Konde-Deshmukh, learned A.P.P. submitted that under the guise of performance of duty, the applicant was demanding extortion money from the deceased and was continuously harassing him which has resulted in the deceased committing suicide.

6 Statement of one Premkumar Vare was recorded under Section 164 of Cr.P.C. He was friend of the deceased. In his statement, Vare has given details of harassment caused to the deceased. The statement reveals that the present applicant used to frequently visit the hotel and used to order food without paying money. The statement also clearly mentions

that in the presence of this witness, the applicant had demanded extortion amount of Rs.10,000/- per month. The statement reveals as to how Satish and his brother were harassed unnecessarily by police and how it was very difficult for them to conduct their business. There are statements of employees of the deceased which refer to the grievance made by the deceased to them. Such grievance may amount to his oral dying declaration.

7 Considering all this material which is available with the investigating agency, at this stage it is clear that because of the harassment caused by present applicant, the deceased had to take the extreme step of committing suicide. In view of these circumstances, no case for anticipatory bail is made out.

8 Accordingly, the application stands dismissed.

9 Consequently, the Intervention Application No.803 of 2019 filed by First Informant, is also disposed off.

(SARANG V. KOTWAL J.)