

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1124 OF 2018

Salim Abdulla Mogal	..Applicant.
V/s.	
The State of Maharashtra & Anr.	..Respondents.

ANTICIPATORY BAIL APPLICATION NO.1183 OF 2018

Dilip Khanderao Jagtap	..Applicant.
V/s.	
The State of Maharashtra & Anr.	..Respondents.

ANTICIPATORY BAIL APPLICATION NO.1204 OF 2018

Amar Anand Kolhapure	..Applicant.
V/s.	
The State of Maharashtra	..Respondent.

Mr.Veerdhamal Kakade for the applicant in ABA/1124/2018.

Mr.Vivek Babar for the applicant in ABA/1183/2018.

Mr.Satyam Nimbalkar for the applicant in ABA/1204/2018.

Smt.J.S.Lohokare, APP for the respondent-State.

Mr.Shailesh Chavan for the intervenor.

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 1, 2019

P.C.:-

Heard learned counsel for the applicants, intervenor and learned APP for the State.

2. In crime No.131/2018 for offence punishable under sections 306 and 420 read with 34 of the Indian Penal Code registered with Wai police station, Satara, the applicants are seeking pre-arrest bail.

3. The alleged incident of assault on the deceased is claimed to have taken place on April 28, 2018 and April 29, 2018 is the discovery of suicide note of the deceased.

4. The prosecution case is, it is the applicants' conduct which has resulted in committing suicide because of ill advise on financial matters and investments.

5. According to learned APP, who is assisted by learned counsel for the complainant, submits that the Handwriting Expert's opinion supports that the said note was authored by the deceased. It is claimed that the custodial interrogation is necessary.

6. Upon appreciation of the investigation papers and

other material on record, particularly narration of the complainant that deceased was suffering from *insomnia* and was consuming sleeping pills. The narration of the alleged incident of suicide is unbelievable in the said backdrop.

7. There were more than four offences registered against the deceased.

8. Perusal of the contents of the F.I.R. and other documents, *prima facie* does not satisfy the necessary ingredients of sections 306 and 420 of the Indian Penal Code. In view thereof, the ad-interim protection stands confirmed. Hence the order :-

- i) In the event of arrest in Crime No.131/2018 for offence punishable under sections 306 and 420 read with 34 of the Indian Penal Code registered with Wai police station, Satara, the applicants be released on bail on their furnishing P.R. bonds of Rs.25,000/- each with one or more sureties each in the like amount;
- ii) The applicants shall attend the Investigating officer as and when directed;

- iii) The applicants shall furnish their contact details and residential address to the investigating officer within two weeks from today;
- iv) The applicants shall not influence the prosecution witnesses or tamper with the evidence;
- v) The applicants shall co-operate with the investigating agency;
- vi) The applications stands disposed of accordingly.

(NITIN W. SAMBRE, J.)