

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

ANTICIPATORY BAIL APPLICATION NO.1335 OF 2019

Ravi Kumar Achalla

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Subodh Desai, for the Applicant.

Mr. Prashant Jadhav, for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 25, 2019

P.C.:

1. The applicant is seeking anticipatory bail in connection with C.R. No.394/2019 registered with Chaturshrungi Police Station under Section 306 r/w. 34 of IPC.

2. The FIR is lodged by one Kundan Jayale who was the brother of deceased Chetan. The FIR is lodged on 11/4/2019. He has mentioned in the FIR that his brother Chetan was working with Cognizant Technology Solutions, Pune as Software Engineer since past three years. In January 2019, he was sent to Mumbai for a project. It is the case of the first informant that Chetan was again called back to Pune though he wanted to complete the project in Mumbai. On 28/3/2019, Chetan had come to his village for attending his other

brother's wedding. That time, he was complaining that seniors in the company were harassing him. They were overburdening him with work and therefore he was under pressure. Even his roommates concurred with him. On 10/4/2019, Chetan committed suicide by hanging himself. It is mentioned in the FIR that Chetan had left a suicide note wherein he had blamed the present applicant and one Hemant Khadke for his suicide. Based on these allegations, the FIR is lodged.

3. Heard Mr. Subodh Desai, Ld. Counsel for the applicant and Mr. Jadhav, Ld. APP for the State.

4. Shri. Desai submitted that the present applicant was working with the company since last three years. In the past, applicant and other seniors had appreciated his work and on some occasions had congratulated him through emails. Shri. Desai invited my attention to one such email in August 2018. Shri. Desai further pointed out that the deceased himself had asked to be posted at Mumbai and on his request he was sent to Mumbai. His request was immediately accepted. His further email shows that he again wanted to come back to Pune and again his request was accepted. Shri. Desai submitted that the allegations are not supported by any evidence of any witness that the

deceased was singled out for harassment.

5. Shri. Jadhav pointed out that the Investigating Agency has recorded statement of one employee Akhil Sharma. In his statement he has mentioned that the deceased used to complain that he was not enjoying his work. He did not get along well with the manager Khadke. According to this witness, the deceased was trying to get a good job in Mumbai but he could not secure such job. This witness has further stated that, in the month of March 2019, the present applicant had come to their office in Pune and he had said that if the Chetan was not working with the team he should be removed from the company. Senior Manager Khadke used to say that Chetan was not co-operating with other team members.

6. This appears to be the background in which the deceased had committed suicide. The present applicant admittedly had left India on 20/3/2019 i.e. more than 20 days before commission of suicide by deceased. From the evidence collected by the Investigating Agency, it appears that there definitely was some friction between senior officers of the company and the deceased and that could be the cause of his committing suicide. However, it is not clearly made out that the act on

the part of the present applicant amounted to abetment as defined under Section 107 of IPC. The emails further show that on most of the occasions the request made by the applicant was accepted by the management. If the management was of the opinion that deceased was not co-operating with the team members, they were within their rights to tell him so. This by itself may not amount to abetment to commit suicide. The deceased was educated and was a qualified person. Therefore, it cannot be said that he was left with no other option but to commit suicide. Shri. Desai also pointed out that the co-accused Hemant Khadke whose name was also mentioned in the suicide is granted anticipatory bail by Sessions Court, Pune. There is not of much difference between the role attributed to Khadke and the present applicant, except in respect of incident in March 2019, when the applicant had allegedly told the employees that the deceased should be removed if he did not work with the team. The roles of both the accused are similar. Since, the Khadke is granted anticipatory bail, the principles of parity can be applied to the present applicant. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.

No.394/19 registered with Chaturshrungi Police Station,

Pune, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- with one or two sureties in like amount.

2. The applicant shall deposit his passport with the Investigating Officer and the applicant shall not leave the country without taking prior permission from the Court of Sessions, Pune.

3. The applicant shall attend the Police Station as and when called and shall co-operate with the investigation.

4. The application is disposed of.

(SARANG V. KOTWAL, J.)