

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

ANTICIPATORY BAIL APPLICATION NO.1586 OF 2019

Govind Baban Gadade Applicant

versus

The State of Maharashtra Respondent

WITH

CRIMINAL APPLICATION NO.1152 OF 2019

IN

ANTICIPATORY BAIL APPLICATION NO.1586 OF 2019

Rajaram Sadashiv Ghavane Applicant/
Intervener

IN THE MATTER BETWEEN :

Govind Baban Gadade Applicant

versus

The State of Maharashtra Respondent

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- Mr.Sachin H. Deokar, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.
- Mr.Rushikesh S. Kale, Advocate for Intervener in APPP No.1152/19.
- PC Mr.P.S. Sagare, Barshi Taluka Police Station, Solapur, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.111/19 registered with Barshi Taluka Police Station, Solapur, under sections 306 r/w 34 of the Indian Penal Code.
2. The FIR is lodged on 30/05/2019 by one Rajaram Sadashiv Gavhane, who was father of the deceased Vaibhav. He has stated in his FIR that the Applicant used to purchase grocery articles from his shop. He had not paid his dues for many days and the dues amounted to the tune of Rs.2 lakhs. The FIR further mentions that when the deceased Vaibhav approached the Applicant to ask for his dues, the Applicant refused and stated that the deceased himself owed money to him. The FIR further mentions that at the instance of the Applicant, the deceased gave him a car which was in possession of one Nitin Choudhary. The Applicant gave him Rs.20,000/-. That amount was given by the deceased to Nitin Chaudhary. The FIR shows

that the deceased was worried about impending marriage of his sister. It is alleged in the FIR that the deceased had signed one cheque which was left in the shop of Nitin Chaudhary. It is alleged that the Applicant called the first informant telling him that the cheque was with the Applicant and he would deposit it in the bank and take action against the deceased. The deceased was under pressure. It is alleged that he was harassed and therefore he committed suicide. On this basis FIR is lodged.

3. Heard learned Counsel Mr.Sachin H. Deokar for the Applicant, learned Counsel Mr.Mr.Rushikesh S. Kale for the Intervener and learned APP Mr.Prashant Jadhav for the State.
4. Learned Counsel Mr.Deokar for the Applicant states that the FIR mentions that there was some transaction between the Applicant and the deceased. However, the FIR does not clearly make out the exact nature of the transaction. On one hand there are allegations that the Applicant owed Rs.2 lakhs to the deceased and on the other hand, the deceased had given a

vehicle to the Applicant and had obtained money. The role of the other accused Nitin Chaudhary is not clearly made out. He submitted that no offence of abettment to commit suicide is disclosed in the FIR. The FIR does not travel beyond suspicion.

5. Learned Counsel for the first informant/Intervener as well as learned APP submitted that the FIR shows that the deceased was harassed by the Applicant and therefore he had to take this step. Learned APP submitted that from the pant pocket of the deceased a suicide note was recovered, which the deceased had written behind a visiting card, holding the Applicant responsible for his suicide. He therefore submitted that in this view the Applicant's custodial interrogation is necessary.

6. I have considered these submissions. The statement in the FIR does not clearly make out the exact transaction between the deceased and the Applicant. The FIR shows that the informant's claim was that the Applicant owed Rs.2 lakhs for

grocery articles. The Applicant's claim was that the deceased himself had owed him money. The Applicant's claim is supported by the fact that the deceased had given a car to the Applicant and obtained money as loan. Surprisingly, again this money was not retained by the deceased, but was given to Nitin Chaudhary. Thus, there is no clear transaction between the Applicant and the deceased. The cryptic suicide note does not throw light on the nature of the harassment and the nature of the transaction. The reference to the cheque is also very vague. In this view of the matter, there is not concrete material against the present Applicant showing his involvement indicating that he had harassed the deceased to such an extent that the deceased was left with no option to commit suicide. There is also reference to the fact that the deceased was worried for expenses incurred for the wedding of his sister. In this background custodial interrogation of the present Applicant is not necessary. The Applicant shall however attend the police station and shall cooperate with the investigation as and when called. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.111/19 registered with Barshi Taluka Police Station, Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called.
- (iii) Application for anticipatory bail as well as application for intervention stand disposed of accordingly.

(SARANG V. KOTWAL, J.)