

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

ANTICIPATORY BAIL APPLICATION NO. 2047 OF 2019

Ravindra Nandkumar Salvi	 Applicant
Versus	
The State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2049 OF 2019**

Vijay Dinkar Bansode	 Applicant
Versus	
The State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2050 OF 2019**

Prashant Keshav Langi	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Ashok Mundargi, Senior Counsel, i/b. Subir Sarkar, Advocate
for Applicants in all Anticipatory Bail Applications.

Smt. A. A. Takalkar, APP for the State/Respondent in ABA
No.2047/19 and 2049/19.

Mr. S. H. Yadav, APP for the State/Respondent in ABA No.2050/19.

Mr. S. S. Kawale, API, Alibag Police station.

**CORAM : SARANG V. KOTWAL, J.
DATE : 20th SEPTEMBER, 2019**

P.C. :

1. All these applications are decided by this common order because they arise out of the same offence. For the sake of convenience, the applicants are described by their names.

2. The Applicants are apprehending their arrest in connection with C.R.No. 112 of 2019 registered at Alibag police station U/s. 306 r/w. 34 of the IPC on 29/08/2019 in respect of commission of suicide by one Prashant Kanerkar who was working at Alibag as A.P.I., Alibag Police station.

3. The FIR is lodged by his wife. The applicant in ABA No.2050 of 2019, Prashant Langi is P. I., attached to Charkop police station at present. The applicant Vijay Bansode in ABA No.2049 of 2019 is Head Constable attached to State Intelligence Department (S.I.D.) and is working at Mumbai. The applicant Ravindra Salvi in ABA No.2047 of 2019 is Police Naik, attached to S.I.D. and is posted at Bhiwandi. The FIR mentions that the deceased had committed suicide on 18/08/2019. The suicide note was found at the spot where he committed suicide. He committed suicide in the police Head Quarter, Alibag, Government Rest

House, Room No.5 by hanging himself to the ceiling fan. The FIR is based on the suicide note found at the spot.

4. Learned APP produced a copy of suicide note for my perusal. It is mentioned in the suicide note that, the deceased was working with S.I.D. in Mumbai. He was posted in the control room. The applicants were also working there. In 2018, the applicant Prashant Langi had lost his wallet and he had expressed suspicion against the deceased. He had given a written application to A.D.C. Smt. Alaknure. She questioned the deceased and threatened to give him memo, however, actually memo was not given. But since then his morale had gone down. It is alleged that, the other applicants i.e. Vijay and Ravindra were taunting him about the same. Therefore, the deceased himself opted for transfer. He was posted at Alibag. He was feeling lonely there, he could not get over his defamation and, therefore, he committed suicide. He has clearly blamed the present applicants for his taking this extreme step. While concluding, he had requested the Hon'ble Chief Minister and Superintendent of police to take steps.

5. Heard Mr. Ashok Mundargi, learned Senior Counsel for

the Applicants in all Anticipatory Bail Applications, Smt. A. A. Takalkar, learned APP for the State/Respondent in ABA No.2047/19 and 2049/19 and Mr. S. H. Yadav, learned APP for the State/Respondent in ABA No.2050/19.

6. Shri. Mundargi submitted that, the fact that the applicant Prashant Langi had lost his money purse was mentioned by him in written complaint to his superiors. According to him, apart from the deceased there was no one else who could have entered the control room, therefore, he reasonably expressed his suspicion against the deceased. However, making such complaint itself does not mean that the applicants had harassed the deceased to such an extent that he would take that extreme step. As pointed out earlier that the complaint was not pursued further. The money purse was returned to the applicant Langi and even the superior officer had not taken any further steps. The deceased was not punished. Thereafter, all the applicants were posted at different places and they were not in touch. This complaint by applicant Prashant Langi was given on 22/10/2018 and therefore, it cannot be an immediate cause or even a remote cause for the deceased for

committing suicide.

7. Learned APP relied on the suicide note.

8. I have considered these submissions. The suicide note itself shows that he was feeling lonely at Alibag and in that state of mind he was constantly thinking about the incident which had taken place in Mumbai, a few months back. Mere taunting and expression of the suspicion against him would not amount to abetment as defined U/s.107 of the IPC, as well as, U/s.306 of the IPC. Though, the incident is unfortunate, it is difficult to see as to how the applicants have abetted the commission of his suicide. No further action was taken against the deceased and the matter was over in October, 2018 itself. Since then all the applicants, as well as, deceased were working at different places. Therefore, though, suicide note blames the applicants, it does not automatically prove that the applicants are responsible for commission of offence punishable U/s.306 of the IPC. Considering the over all circumstances, custodial interrogation of the applicants is not necessary. All of them are working in the police department, therefore, there is no possibility of their absconding or not being

available for investigation. In this view of the matter, I am inclined to grant anticipatory bail to the applicants.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No.112 of 2019 registered with Alibag Police Station, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.
- (ii) All the applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)