

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2613 OF 2019

Mansingh Vilas Bhosale ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2614 OF 2019

Sou. Pournima Mansingh Bhosale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Prajakt M. Arjunwadkar, Advocate for the Applicant in both Anticipatory Bail Applications.

Smt. A. A. Talekar, APP for the state-respondent.

Mr. R. D. Suryawanshi, for original complainant in both Anticipatory Bail Applications.

Mr. D. Y. Chaan, P.S.I. Ratnagiri City Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 28th November, 2019

PC :

1. The applicants are apprehending arrest in C.R. No. 438 of 2019 registered with City Police Station Ratnagiri, dated 26th October, 2019 for offences punishable under Sections 306, 384 r/w Section 34 of Indian Penal Code (for short 'IPC').

2. The FIR was lodged by Vinayak Jadhav. He is the brother of deceased. The case of the prosecution is that the deceased Sagar

Jadhav had committed suicide by hanging himself to ceiling fan in his house on 15th October, 2019. The complainant has alleged that Sagar Jadhav (deceased) was posted at Rajapur Police Station as Police Naik. He was married on 12th June, 2019. Sagar Jadhav was transferred from Ratnagiri City Police Station to Rajapur Police Station, 4 months prior to the incident. Sagar Jadhav was knowing police constable Smt. Pournima Bhosale, while both were posted at Ratnagiri City Police Station. From 3rd October, 2019 to 6th October, 2019, Smt. Pournima Bhosale had displayed objectionable photographs of deceased Sagar on her cell phone whats app status. The complainant informed about the same to Sagar. On 7th October, 2019 Sagar and his wife informed the complainant that Smt. Pournima Bhosale had visited the house of the deceased and showed objectionable photographs of deceased to his wife. She also stated that she is having affair with Sagar and she would destroy his life. The wife of sagar was disturbed and decided to leave house. The complainant consoled her and took Sagar and his wife to Ratnagiri. Sagars' wife intimated the above incident to her parents on 9th October, 2019. Brother and father of Sagars' wife came to take her to parental home permanently. On 13th October, 2019, Smt. Pournima Bhosale forwarded whats app messages and voice recording of phone call to the complainant. The recording indicates that she was

demanding money from Sagar. She deleted all the messages. On 14th October 2019 there was altercation between Sagar Jadhav and Smt. Pournima Bhosale on 14th October 2019 between 9.15 to 11.30 pm. Pournima sent immoral objectionable messages against Sagar and family to complainant. On 15th October, 2019 Sagar Jadhav committed suicide by hanging himself to ceiling fan in his house. Two chits were pasted on wall in the house stating that he is committing suicide due to harassment by both applicants. on 25th October, 2019, complainant found two chits in the drawer of cupboard in bedroom of the deceased. It was mentioned that Sagar is committing suicide due to harassment by Pournima and her husband (applicants).

3. Learned counsel for the applicant submitted that both the applicants are employed in Police Department. They are husband and wife. There is delay in lodging the First Information Report. The applicants had complied with the directions of reporting during interim protection granted by the Sessions Court. The entire case is false. There is no evidence of abetment to commit suicide. No complaint was filed regarding assault and harassment by the deceased against applicant. The applicant in Anticipatory Bail Application No. 2613 of 2019 has nothing to do with any alleged quarrels. The applicants are willing to cooperate with the

investigation. The allegations are after thought. The existence of chits is doubtful. Hence, the applicants may be granted Anticipatory Bail.

4. Learned APP and learned counsel for the complainant submitted that there is overwhelming evidence to show that, both the applicants have caused harassment to the deceased compelling him to commit suicide. Learned APP pointed out the investigation papers. It is submitted that the statement of the complainant and other witnesses ascribed the role to both the applicants having harassed the deceased. Suicide notes indict both the applicants. The Investigating Officer has also recovered Audio clip with regards to threats issued to the deceased. It is submitted that the deceased was married recently and threats were issued to him that his life would be destroyed. Both the applicants were indulging in extortion of money from the deceased. Learned counsel for the intervenor also submitted that the theory of the affair was introduced by the accused to extort money from the deceased. The applicant in Anticipatory Bail Application No. 2614 of 2019 had destroyed the evidence of voice recording, photo, chatting from her mobile. She had forwarded 60 to 65 whats-app messages against Sagar on 14th October, 2019. The suicide note mentions the cause of suicide has harassment by both applicants.

4. On perusal of the complaint and the other documents it appears that the deceased was subjected to harassment. Investigation discloses assault by applicant in Anticipatory Bail Application No. 2613 of 2019 to the deceased. The investigation is in progress. The suicide notes recovered during the course of investigation attributes harassment by both the applicants. It is also alleged that the threats were issued by the accused. There was demand of amount. The threats were issued that Sagars' life would be destroyed. Two chits were pasted on wall and two were found in this drawer. At this stage, the investigating authority has collected sufficient evidence and considering the aforesaid circumstances, no case for grant of Anticipatory Bail is made out.

ORDER

Anticipatory Bail Application Nos. 2613 of 2019 and 2614 of 2019 stands rejected.

(PRAKASH D. NAIK, J.)