

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.530 OF 2020

Anil Namdev Gaikwad

Applicant

versus

The State of Maharashtra

Respondent

Mr.Abhishek R. Avachat for applicant.

Smt.Veera Shinde, APP, for State.

Mr.Himalaya R. Joshi, PSI, Hadapsar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd March 2020

PC :

1. This is an application for pre-arrest bail in CR No.1226 of 2019 registered with Hadapsar Police Station, Pune, for offences under Section 306 r/w 34 of Indian Penal Code. The FIR was registered on 19th December 2019 by Police attached to Hadapsar Police Station.

2. The victim had committed suicide on 6th December 2019. The applicant is father-in-law of the victim. The case of prosecution is that Suresh Shankar Kadam had committed suicide. The suicide note was found on his person. In the said suicide note it was stated that he was harassed by in-laws including his wife. He was assaulted and made to sign some documents relating to his shop. The signatures are forged. He was threatened that he and his sister would be killed.

3. Pursuant to registration of FIR, the wife of deceased (daughter of applicant) was arrested. She has been granted bail. The son of applicant is also arrested and he is in custody.

4. Learned counsel for applicant submitted that no case u/s 306 of IPC is made out against applicant. The victim was suffering from HIV. He was in relationship with another lady. Custodial interrogation of the applicant is not necessary. The wife of deceased was arrested and she is on bail. Applicant's son is in custody. Nothing incriminating was recovered from the arrested accused.

5. Learned APP submitted that documents are required to be recovered from the applicant. However, it is noted that the applicant's daughter and son were arrested. The son of applicant is still in custody. Considering the facts stated in the FIR and the nature of allegations, the applicant need not be subjected to custodial interrogation.

6. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.530 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.1226 of 2019 registered with Hadapsar Police Station, Pune, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer on 12th and 13th March 2020 between 11 am and 1 pm.

(PRAKASH D. NAIK, J.)