

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

BAIL APPLICATION NO.1349 OF 2019

Ganesh @ Pramod Rohidas Gajare .. Applicant

Vs.

State of Maharashtra .. Respondent

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Mr.Shilesh D. Chavan a/w. Mr.Jayshree Tripathi, Advocate for
the Applicant.

Mr.S.H. Yadav, APP for the Respondent – State.

Mr.Ratandip Gaikwad, API, Hadpsar Police Station, Pune,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 06, 2020.

P.C. :

This is an application for bail in connection with C.R.No.365 of 2017, registered with Hadpsar Police Station, Pune, for the offences punishable under Sections 306, 384 and 387 read with 34 of Indian Penal Code (“IPC’, for short).

2 First Information Report (“FIR”, for short) was lodged by Swapnil Tupe. It is alleged that the father of the complainant and the applicant were involved in a case and the applicant was

in custody in connection with the said case, which was registered vide C.R.No.268 of 2015. There were talks of compromise between Datta Devkar, who is complainant in C.R.No.268 of 2015 and the father of the complainant. In 2016, the applicant had assured father of the complainant to settle the said case. complainant's father had parted an amount of Rs.10,00,000/-. In December 2015, the applicant had allegedly told the deceased that Datta Devkar is demanding additional amount of Rs.15,00,000/-, for withdrawing the case. The accused allegedly pressurized the father of the complainant to part with the balance amount. There was an agreement which was notarized on 26th December, 2016. In the said agreement, it was agreed to pay Rs.15,00,000/- to Devkar. Deceased had obtained loan by mortgaging the flat and transferred the amount in the bank account of accused no.2 Sandeep Gadare on 5th January, 2017. It is alleged that the applicant and Sandeep Gadre were pressurizing the complainant's father (deceased) to part with the money. He was under pressure and in the circumstances, committed suicide by consuming poison on 4th April, 2017. Investigation proceeded. Charge-sheet was filed.

3 Applicant had preferred an application for bail before

the Sessions Court, which was rejected by order dated 1st November, 2018. Learned counsel for the applicant submits that no case under Section 306 and of Section 384 is made out. Applicant is in custody from 7th August, 2018. There is delay in lodging the FIR. Statement of the complainant was recorded immediately after the alleged incident of suicide. However, complainant did not make any grievance against accused.

4 Learned APP submitted that the accused were demanding money from the deceased. On account of settlement, the deceased had parted total amount of Rs.25,00,000/-, to accused no.2. The statements of witnesses indicate that huge amount was thereafter transferred to the applicant. The victim was pressurized and harassed. The amount was utilized by the applicant. Under the pressure of the accused and in a disturbed state of mind, the victim had committed suicide by consuming poison.

5 From the charge-sheet, it is apparent that the applicant and the deceased were in jail in connection with one offence. The deceased and the complainant were intending to compromise the dispute. The amount was parted by the

deceased, and, thereafter, on account of pressure for further payment, the deceased had committed suicide. It is pertinent to note that the incident had occurred on 4th April, 2017. On 5th April, 2017, the statement of son of the deceased was recorded. He did not make any grievance against the applicant or the co-accused. After the period of about 10 days, the complaint was lodged on 15th April, 2017, alleging that his father was pressurised by accused and under the pressure, he committed suicide. Assuming that the allegations are to be true, *prima facie*, it will be debatable whether the provisions section 306 will be attracted in this case.

6 Learned APP submitted that there are about 14 cases registered against the applicant. Learned counsel for the applicant however pointed out that case registered vide C.R.No.96 of 2019 for the offences punishable under Section 302 of IPC, has resulted in acquittal. The cases registered vide C.R.No.218 of 2011, 692 of 2011, 3156 of 2011 and 71 of 2013, resulted in acquittal. The other cases are pending and the applicant is on bail. Three cases referred to by the prosecution against the applicant were under Section 142 of Maharashtra Police Act.

7 Applicant is in custody from 7th August, 2018. Considering the factual aspects as stated above, further detention of the applicant is not called for and bail can be granted on certain terms and conditions.

8 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.1349 of 2019, is allowed;
- (ii) Applicant is directed to be released in connection with C.R.No.365 of 2017, registered with Hadapsar Police Station, Pune, on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall stay out of the jurisdiction of Hadapsar Police Station, Pune, till conclusion of the trial;
- (iv) Applicant shall furnish details of his residence after release on bail to the investigating officer;

- (v) Applicant shall regularly attend the trial Court on the date of hearing, unless exempted by Court;
- (vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)