

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3104 OF 2019

Shubham Eknath Jaid, Age 21 years,
Occ.Business, R/o.Chimbali, Tal.Khed,
Dist.Pune.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket Nikam i/by Vivek N. Arote for applicant.
Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th January 2020

PC :

1. This is an application for bail in CR No.247 of 2019 registered with Alandi Police Station, Pune for offences under Sections 306, 323, 504, 506 of Indian Penal Code. The FIR was lodged on 12th August 2019 by father of victim.

2. In nut shell, the prosecution case is that the applicant was insisting to employ his referred employee in the company where the complainant was working. The applicant used to abuse, threaten and assault the complainant and his son (deceased). On 8th and 9th June 2019 the victim was abused and threatened by the applicant. On 21st June 2019 the son of the complainant committed suicide by hanging. The applicant was arrested on 12th August 2019. On completing investigation charge sheet is filed. The FIR was lodged on 12th August 2019.

3. Learned advocate for applicant submitted that there is delay in lodging the FIR. There is no proximity with the alleged incident of committing suicide and threats issued to the victim. Taking the prosecution as it is, there is no evidence to constitute abetment to commit suicide.

4. Learned APP submitted that the applicant was indulging in intimidation, coercion and abuses. The statement of the complainant indicate that the deceased was under pressure on account of harassment caused by the accused. There are three cases pending against applicant vide CR No.39 of 2017 for offences under Sections 452, 341, 427, 504 and 506 of IPC, CR No.187 of 2018 for offences under Sections 323, 324, 504, 506 r/w 34 of IPC and CR No.188 of 2019 for offences under Section 363, 452, 484, 324, 323, 5-4, 506 of IPC.

5. The FIR mentions the incident dated 8th June 2019 and 9th June 2019. The case of prosecution is that the applicant was intimidating the father of victim to employ the persons referred by him in the company where he is working. Threats were issued to the victim. The complainant has also referred to the injury to leg of victim. The statement of one of the witness indicate that the victim had fallen from motorcycle. Taking the prosecution case as it is, prima facie, it would be debatable whether Section 306 can be attracted in this case. However, that is a matter which will be dealt with by the Trial Court. The applicant is in custody from the date of arrest. The charge sheet is filed. Considering the facts of the case, bail can be granted to the applicant on certain conditions.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3104 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.247 of 2019 registered with Alandi Police Station, Pune, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend Alandi Police Station once in a week on every Saturday between 11 am and 1 pm for first three months, and thereafter once in a fortnight on first and fourth Saturday between 11 am and 1 pm for next three months, and thereafter once in a month on every first Saturday between 11 am and 1 pm till conclusion of trial;
- (iv) The applicant shall attend Trial Court proceedings regularly, unless exempted for some reason by Trial Court;
- (v) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST