

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

ANTICIPATORY BAIL APPLICATION NO. 1902 OF 2019

1. Bajirao Mahadev Patil
2. Shivraj @ Aniket Bajirao Patil
3. Anirudh Bajirao Patil Applicants

Versus

The State of Maharashtra Respondent

Mr. Shekhar A. Ingawale for Applicants.

Mr. Amit A. Palkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th AUGUST, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 214 of 2019 registered at Laxmipuri Police Station, Kolhapur, under section 306 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Shekhar Ingawale, learned counsel for the applicant and Shri. Amit Palkar, learned APP for the State.

3. The allegations in the First Information Report (for short 'F.I.R.') are that the informant was working as Manager with

the applicant's petrol pump. The applicant was suspecting that the informant had misappropriated money and had falsified accounts. Therefore, they had sought explanation from the informant. They had forced the informant to execute a document forcing him to admit his guilt. Some property papers in respect of his house were also taken by the applicants. It is alleged that, in this mental stress the informant committed suicide by consuming poison. The F.I.R. was lodged by the deceased himself a few days prior to his death.

4. Learned counsel for the applicants submitted that, if the informant had committed fraud, as the owners of the petrol pump, the applicants were entitled to enquire with him. It does not mean that the applicants had intended that the informant should commit suicide. Therefore, it would not amount to abetment to suicide.

5. Learned APP, on instructions, stated that the investigation in this case is already over and the charge-sheet is ready to be filed in the Magistrate's court. He submitted that the applicants have co-operated with the investigation.

6. I have considered these submissions. The applicants

were protected by way of interim relief vide order dated 29/08/2019. Thereafter, as submitted by learned APP, applicants have co-operated with the investigation. The investigation is already over and the charge-sheet is ready to be filed. Learned APP submitted that the charge-sheet was not accepted by the learned Magistrate only because this anticipatory bail application was pending in this court.

7. Reading of the F.I.R. also shows that the applicants were more interested in getting compensation for the loss allegedly caused by the informant. They had no other intention and they had not taken any positive steps which would amount to abetment of commission of offence of suicide defined under section 107 r/w. 306 of IPC. The informant himself was outside the hospital when he had consumed the poison. Unfortunately he died in the process. Since the applicants have co-operated with the investigation and the investigation is already over and since the charge-sheet is ready to be filed; the custodial interrogation of the applicants, at this stage, in this background will not serve any purpose. The applicants were on interim protection since

29/08/2019, that order can be made absolute.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 214 of 2019 registered at Laxmipuri Police Station, Kolhapur, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)