

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

ANTICIPATORY BAIL APPLICATION NO.827 OF 2021

Ganesh Shankar Shinde Applicant

versus

State of Maharashtra Respondent

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- Mr.Sanjeev Kadam i/b. Prashant P Raul, Advocate for Applicant.
- Smt.J.S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.8/2021 registered with Mahabaleshwar Police Station, Satara, on 24/02/2021 under sections 306 r/w 34 of the Indian Penal Code.
2. Heard Mr.Sanjeev Kadam, learned counsel for the Applicant and Smt.J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Subhash Ramchandra Bhilare in respect of commission of suicide by his son Sandip on 07/02/2021. It is mentioned in the FIR that the informant's younger brother Shashindra had passed away 10 years ago. Shashindra's wife Sunita and the informant's family had dispute about property. A civil suit was already filed between those parties, which is still pending. The FIR mentions that because of this dispute Sunita, her daughter, her son and the present Applicant used to cause trouble to the informant's family. The present Applicant is Sunita's cousin. There are allegations that all these accused used to abuse the informant's family and used to threaten them and therefore Sandip used to be under mental pressure. On 07/02/2021 he committed suicide hanging himself in his house. He had left behind a suicide note, wherein he has blamed all these accused for the step which he was taking. On this basis, FIR is lodged.

4. Learned counsel for the Applicant submitted that even

taking the prosecution case at its highest, no offence u/s 306 is made out against the present Applicant. Dispute was between Sunita and the informant's family. Sunita was residing at the same place in the same society. Therefore there used to daily quarrels between Sunita on one hand and Sandip on the other. The Applicant was not residing there and there are only general allegations against him.

5. Learned APP opposed this application and produced investigation papers. She produced copy of suicide note.
6. I have considered these submissions and perused the investigation papers. The suicide note mentions names of all the accused including the present Applicant. However, main allegations are directed against Sunita, her son and daughter. There are general allegations against the present Applicant. Apart from this suicide note, there are statements of Sandip's family members Surekha, Kalpana as well as neighbour Kiran. In all these statements, the main allegations are against Sunita.

Sunita was residing in the neighbouring room of the informant's family and used to pick up quarrels on petty issues. She used to abuse and threaten the deceased Sandip. She used to accuse Sandip of false allegations and was creating constant harassment. Sunita's daughter and son also used to support her and used to harass the deceased. The allegations against the present Applicant are that he was residing at Koli Ali Mahabaleshwar and he used to visit the society some times. When he used to come to the informant's society, he used to abuse and give threats. These are the allegations against the present Applicant. Admittedly, the Applicant was residing in a different society. He used to only visit the society on some occasions. There too, there are no allegations that the Applicant was targeting the deceased in particular. There are general allegations against him. Therefore it is doubtful whether offence u/s 107 or 306 is made out against him. In this situation, investigation can go on. But Applicant's custodial interrogation is not necessary. He can be protected by an order of anticipatory order.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.8/2021 registered with Mahabaleshwar Police Station, Satara, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)