

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

ANTICIPATORY BAIL APPLICATION NO. 855 OF 2021

Sanjay @ Bhaiyasaheb Gawande
v/s.

.... Applicant

The State of Maharashtra

.... Respondent

Mr. Subodh Desai a/w. Mr. Nikhil Mhatre i/b.
Mr. Kartik S. Garg for the Applicant.
Mr. Ajay Patil, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 28th SEPTEMBER, 2021.

P. C. :-

. The Applicant is seeking Anticipatory Bail in connection with C.R.No.52/2021 dated 02/03/2021 registered at Navi Panvel Police Station, Navi Mumbai for offences punishable under Section 306 of the Indian Penal Code.

2. The Applicant was protected by an ad-interim order dated 24/03/2021.

3. Heard Mr. Subodh Desai, learned counsel for the Applicant and Mr. Ajay Patil, learned APP for the State.

4. The First Information Report (for short 'FIR') is lodged on 02/03/2021 by widow of the deceased Keshav Gawande. The deceased

was working with the Applicant's gas agency known as 'Suvidha Bharat Gas Agency' at Panvel. The deceased was its Manager. The FIR mentions that in September 2020, the Applicant made allegations against the deceased that there was misappropriation of money and falsification of accounts in respect of affairs of gas agency. The Applicant called the informant's father, father of the deceased and other relatives for a meeting. The FIR mentions that the Applicant got some document executed and signed by the deceased and his relatives. It mentioned that if the deceased was unable to repay the amount of misappropriation which was of more than Rs.30 lakhs, then the father of the deceased had to transfer the agricultural land to the Applicant. After such document was executed, the deceased was under mental pressure. It is mentioned in the FIR that the deceased and his family were trying to sell their properties. They paid around Rs.10,79,000/- to the Applicant. The Applicant told the deceased's father to transfer his land at Mamulwadi, Taluka Nandura, District Buldhana to one Vijay Ekale. Because of these instances, the deceased consumed poison on 20/02/2021. He died on 22/02/2021. The informant found the suicide note left behind by the deceased. In that note, the deceased had blamed the present Applicant. He has referred to the harassment caused to him. On this basis, the FIR is lodged.

5. Mr. Subodh Desai, learned counsel for the Applicant submitted that the deceased and his family members had executed a document accepting the liability of the deceased. This document was signed by the deceased, relatives of the deceased as well as the Applicant. He further submitted that in January, 2021, the Applicant had executed the document to which the father of the deceased was also a party wherein it was mentioned that the Applicant was paid majority of the amount by the father of the deceased and only an amount of Rs.3,20,000/- was balance. For that also, the father of the deceased had given two post dated cheques which were dated January, 2022 for Rs.1,60,000/- each. He further submitted that the dispute between the deceased and the Applicant was almost over. There was no reason for the Applicant to demand any amount from the deceased. The document was executed by the Applicant himself. Therefore, as far as this dispute is concerned, the matter was over. However, the FIR is lodged because of the grudge held by the family of the deceased and also because of the suicide note. He submitted that the ingredients of Section 107 and Section 306 of the Indian Penal Code are not made out. He further submitted that there is nothing to show that the Applicant was calling the deceased frequently.

6. Learned APP produced investigation papers before me. He also submitted that this Applicant has co-operated with the investigation and

the investigation is almost over.

7. I have considered these submissions. As rightly pointed out by Mr. Subodh Desai, learned counsel for the Applicant that the document which is signed by the father of the deceased shows that major amount was paid. Only small portion i.e., Rs.3,20,000/- was balance which was to be paid through two cheques. Those were dated January, 2022. The allegations are that the Applicant was continuously harassing him in connection with this demand.

8. I have perused the suicide note. The suicide note basically makes reference to the same dispute and it appears that the deceased was disturbed because of that. The Applicant himself had suffered monetary loss because of the deceased. This was the impression entertained by the Applicant. Ultimately, the parties had decided to settle the matter. Therefore, from the tenor of the document executed in January, 2021, it appears that the dispute was resolved. However, it also appears that the deceased was not happy and took this step.

9. Considering these facts and circumstances, the custodial interrogation of the Applicant is not necessary. As submitted by the learned APP that the Applicant has co-operated with the investigation. He

is on interim protection since March, 2021. There are no allegations of any further acts against the Applicant. Therefore Anticipatory Bail can be granted to him. Hence, the following order :-

ORDER

(a) In the event of his arrest in connection with C.R.No.52/2021 dated 02/03/2021 registered at Navi Panvel Police Station, Navi Mumbai, the Applicant is directed to be released on bail on furnishing P R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(c) Application stands disposed of accordingly.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2021.09.30
15:21:30 +0530

(SARANG V. KOTWAL, J.)