

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

ANTICIPATORY BAIL APPLICATION NO.1579 OF 2021

Ashok Maruti Meshram Applicant
Versus
The State of Maharashtra Respondent

Mr. Jagdish Shingade, Advocate for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JULY, 2021
[Through Video Conferencing]

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.57/2021 registered at Shivaji Nagar Police Station, Thane City on 10.3.2021 under sections 306, 384, 388, 389 read with 34 of the Indian Penal Code. The applicant is a police inspector attached to Yashodhara Nagar Police Station, Nagpur.

2. Heard Shri Jagdish Shingade, learned Counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Chandrakant Sable about

commission of suicide by his younger brother Sachin. He had committed suicide on 18.2.2021 by hanging himself. The allegations in the FIR are that on 23.2.2021, the first informant was told by the police that they had found a diary written by Sachin and an email sent by Sachin to himself. That email could amount to suicide note. In that email he had given the background as to why he was committing suicide. The FIR mentions that the police officers attached to Yashodhara Nagar Police Station were pressurizing him and harassing him in connection with suicide committed by one Nivrutti Khedkar. From the present FIR it appears that the police were trying to extort money by threatening him to involve him in that particular offence by alleging that the deceased Sachin, in this case, was having some affair with the aforementioned Nivrutti Khedkar's wife. The FIR mentions that in the email, the deceased Sachin had referred to various demands made by PSI Deepak Chavan and PI Durge. There was also a reference that Rs.3 Lakhs were demanded purportedly for the purpose of giving that amount to the

present applicant, who was attached to Yashodhara Nagar Police Station, as mentioned earlier. On this basis, the FIR was lodged against Nivrutti's wife, daughter, PSI Deepak Chavan, PI Durge and the present applicant.

4. Learned Counsel for the applicant submitted that the applicant has nothing to do with the allegations. The applicant had never contacted the deceased Sachin. It is not even the allegation of the investigating agency that the applicant had ever contacted the deceased and had demanded money. The applicant's name is involved on the allegations that PSI Chavan had asked Rs.3 Lakhs which were to be paid to the present Applicant. He submitted that said police officer PSI Chavan was possibly acting on his own and only using the applicant's name. There is no concrete material against the present applicant.

5. Learned APP submitted that the investigation was conducted in connection with commission of suicide by aforementioned Khedkar. The investigation revealed that PSI Chavan had torn a very important document, which was on

the record of Yashodhara Nagar Police Station. The investigating officer in this particular case had made correspondence with the local police officers from Nagpur for that particular CCTV footage but the applicant had informed that the CCTV footage was not available. According to learned APP this shows his complicity and that he has attempted to save PSI Chavan from serious legal implications.

6. I have considered these submissions. I have also perused the police papers produced before me. As mentioned earlier, the suicide note which was in the form of an email sent by the deceased Sachin to himself mentions the history as to why aforementioned Khedkar was alleging that the deceased Sachin was having some affair with Khedkar's wife. It is the prosecution case in the present offence that the police officers investigating Khedkar's suicide were attached to Yashodhara Nagar Police Station, Nagpur and under the pretext of implicating the deceased Sachin were trying to extort money from him. The suicide note mentions payments made by the deceased Sachin to the police officers. The suicide note

mentions that he had paid certain amount to PSI Deepak Chavan. The suicide note shows that the aforementioned Khedkar's wife had also made certain payments to those police officers. However, importantly in the suicide note there is no mention that the deceased Sachin or Smt. Khedekar had made payments directly to the present applicant.

7. The only reference to the applicant's name was in the context regarding the demand made by PSI Deepak Chavan from the deceased Sachin. In that particular conversation dated 5.2.2021 PSI Deepal Chavan had allegedly told Sachin that the present applicant was to be paid Rs.3 Lakhs. Apart from that, there is no reference to the applicant's name in the suicide note. Therefore, at this stage there is a strong possibility that PSI Deepak Chavan could be merely using the applicant's name though the other possibility of the applicant being involved cannot be totally ruled out. But, at this stage, this is a very thin piece of evidence against the present applicant.

8. The other circumstance relied on by learned APP is about the CCTV footage of Yashodhara Nagar Police Station,

Nagpur dated 9.12.2020, 10.12.2020 and 7.2.2021.

9. According to the investigating agency in the present case these CCTV footages were important and there was a correspondence made with Yashodhara Nagar Police Station at Nagpur. The correspondence which is produced before me show that at the first instance the request was made by Shivaji Nagar police station, Thane City to Yashodhara Nagar Police Station and the concerned DCP, Zone-V, Nagpur City on 25.2.2021. In response, Yashodhara Nagar police station had informed Shivaji Nagar police station, Thane City that the team of experts had given in writing that the CCTV footage is retained only for eight days and then it is overwritten by new data of CCTV after eight days. Therefore, the first letter dated 25.2.2021 itself was sent after more than eight days from 7.2.2021 and, therefore, the CCTV footage was not available. This explanation also appears to be plausible.

10. In this view of the matter, at this stage, the present investigating agency does not have sufficiently strong material

against the present applicant warranting his custodial interrogation. Therefore, he can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.57/2021 registered at Shivaji Nagar Police Station, Thane City, 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) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)