

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2239 OF 2021

Ashok Adinath Mane	...	Applicant
Versus		
The State of Maharashtra	...	Respondents

Mr. Rushikesh Patil i/b Tushar L. Pimple, for the Applicant.

Ms. Anamika Malhotra, APP for the State.

Mr. Gore, PSI, Investigating Officer, attached to Lonikand Police Station present.

Mr. Vinayak Madhukar Salve, Police Naik 7309, attached to Lonikand Police Station present.

CORAM : V. G. BISHT, J.

DATE : 17th November, 2021.

PC:

The applicant is seeking Anticipatory Bail in connection with C.R. No. 14 of 2021 registered with Lonikand Police Station, District- Pune for the offences punishable under Section 306 of the Indian Penal Code.

2 According to prosecution, the accused, namely, 1-Pratik Vilas Chaudhari, 2-Navnath Vilas Mahadik, 3-Ashok Adinath Mane (present

applicant), 4-Pramod Kashinath Khengare and 5-Vikas Amrut Tupe had taken moneys from the husband (deceased) of the informant and as they were not returning the amount, the deceased committed suicide.

3 Mr. Patil, learned Counsel for the applicant, submits that necessary ingredients of 306 are missing. There is absolutely no evidence to show that it was applicant, who instigated the deceased to commit suicide. According to learned Counsel, the cause of death as per Postmortem Report was electrocution. In such circumstances, the interim protection granted in favour of the applicant is required to be confirmed.

4 Ms. Malhotra, learned APP, on the other hand, submitted that the suicide note was found wherein it is specifically alleged that the applicant and other accused were responsible for the death of deceased. Investigation is in progress and therefore, application does not merit consideration.

5 It may be that in the FIR it is alleged that on the basis of the suicide note the applicant and other accused had taken various amount from the deceased and were not returning the amount and therefore, the

deceased had no desire to live. However, there is no dispute that the cause of death was electrocution as the deceased was found electrocuted in his field. Apparently and prima-facie, the necessary requisites of Section 306 are not discernible. In such circumstances, in my considered opinion, applicant has made out a case for anticipatory bail.

6 In view of above, I pass the following order.

ORDER

- (i) Application is allowed.
- (ii) Ad-interim protection granted by this Court on 7th October, 2021 is confirmed and made absolute.
- (iii) Application stands disposed of accordingly.

REKHA
PRAKASH
PATIL

(V. G. BISHT, J.)

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by REKHA
PRAKASH PATIL
Date:
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