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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1794 OF 2019

Pavwan R. Droliaa	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Atal Bihari Dubey, Mr. A. Tiwari a/w Rahul Mishra for the Applicant.

Ms. P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 25th AUGUST, 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, Applicant seeks pre-arrest bail in connection with C.R.No. 515 of 2017 registered with the Khar Police Station, for the alleged offences punishable under Sections 306, 506(ii) of the Indian Penal Code.
3. Vide order dated 22nd August, 2019, the applicant was granted interim bail on certain terms and conditions.

4. Learned Counsel for the applicant submits that taking the prosecution case as it stands i.e. the suicide note left by the deceased - Navroj Tejani, no offence as alleged under Section 306 of the Indian Penal Code, is disclosed *qua* the applicant.

5. Learned APP relied on the suicide note which is at page 104 of the application. He submits that the Hand Writing Expert's Report shows that the note was written by the deceased.

6. Perused the papers. The complaint has been lodged by Naseem Tejani, wife of deceased – Navroj Tejani. According to the complainant, her husband invested money with M/s. Propwiz India Private Limited, the Directors of which, were P.K.Gupta, Rakesh Trivedi, Sunil Thadani, Ravi Chikara. Admittedly, the applicant is not the Director of M/s. Propwiz India Private Limited. It is alleged by the complainant that after her husband invested his money, the accused pressurized him to buy their shares in the said project, failing which, the project would have to be closed. It is alleged that under pressure, the deceased purchased shares of the aforesaid Directors in the project of Propwiz India Private Limited. It is alleged that the said Directors were mentally harassing the deceased to

purchase the said shares. According to the complainant, the partners of the company conspired with one Manohar Jani, the land owner at Solapur and cheated the deceased financially. It is further alleged by the complainant, that sometime between December, 2015 to January, 2016, Mr. P.K. Gupta and Ravi Chikara allegedly met her husband (deceased) and demanded money for the purchase of shares. It is alleged that during the said period, the present applicant also threatened the deceased and demanded money, though he was allegedly not concerned with the project in Solapur, in any manner. The contents of the suicide note are reproduced hereinunder;

“The main culprit for my suicide is :

*P.K. Gupta - Cheater No.1 Rakesh
Ravi Chikara, Sunil Thadani (V.V.Expert in extortion)
Pawan Derolia
Propwiz India
Lilaram*

All this above people took away lots of money from me and cheated me. If I do not pay them, any how for the life of my son and me, I settled with them. They have cheated many other people.

No one from my family is responsible for the step I am taking. All my family member pl.forgive me. One Mr. Jani at Solapur also did not co-operate. Shanawaz also did not return the money which I was suppose to give to so many people.

Nishit Patel was also very harsh in collecting his interest money, did not co-operate at all. All my staff at Tejani stores worked very sincerely for me but with GST now and building redevelopment it was difficult for them to do business.

I was not able to take the pressure though I had some property decision was not taken by me.

V.V.sorry to end my life this way.”

7. It appears that the transaction was between the deceased and other partners/Directors of Propwiz India Private Limited and not the applicant. Be that as it may, investigation is over, chargesheet is filed.

8. Considering the aforesaid, the custodial interrogation of the applicant is not warranted. Accordingly, the interim protection granted vide order dated 22nd August, 2019 stands confirmed on the following terms and conditions;

ORDER

(i) In the event of the arrest, the Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time, to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicant to co-operate in the conduct of the trial;

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are prima facie, for the purpose of deciding this application.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.