

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

ANTICIPATORY BAIL APPLICATION NO.172 OF 2022

Sourabh Manjrekar	 Applicant
Versus	
The State of Maharashtra	 Respondent

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**WITH
ANTICIPATORY BAIL APPLICATION NO.175 OF 2022**

Ishita Manjrekar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Ashok Mundargi, Senior Advocate a/w. Siddhesh Bhole, Nikhil Ghate and Ahmed Padela i/b. SSB Legal & Advisory, for the Applicants.

Smt. J.S. Lohokare, APP for the Respondent-State in ABA/172/2022.

Smt. Sharmila S. Kaushik, APP for the Respondent-State in ABA/175/2022.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. Both these applications are being disposed of by this common order as they both arise out of the same investigation and same registered crime. The applicants are referred to by their names wherever their reference arises.

2. The applicants are seeking anticipatory bail in connection with C.R.No.913/2021 dated 3.12.2021 registered at Dadar Police Station, Mumbai under Section 306 read with 34 of the Indian Penal Code.

3. Heard Shri Ashok Mundargi, learned Senior Counsel for the applicants, Smt. J.S. Lohokare, and Smt Sharmila Kaushik, learned APPs for Respondent-State

4. The FIR is lodged by one Meenal Joshi. She was wife of the deceased Nikhil Joshi. The FIR mentions that the deceased had joined the applicants' father's company in the year 2001. The name of the company was 'Sunanda Speciality Coatings Private'. Initially, the relations were very good and the applicants' father Dr. Surendra Manjrekar started depending on the deceased. He used to praise the deceased as

well. In the year 2011, both these applicants joined the company and became Directors. The FIR mentions that the applicants were not pleased with the credit which the deceased was getting. There are allegations that on some occasions the deceased was humiliated in presence of others and he was given escalated targets. The deceased was occupying a senior position in the company. However, he was not given sufficient facilities. In September, 2021, the deceased had hired his own driver. The company was not giving leave to the deceased. The allegations are that the deceased was frustrated because of all this and he was thinking of leaving the company. However, he was afraid to lose the job because the entire family was dependent on him. The deceased wanted leave at the end of September 2021 but he was not given any leave. There are allegations that the deceased had sent an email to Dr. Surendra Manjrekar but he had not replied to that email. On 28.9.2021 the deceased had a discussion with the informant. He was frustrated and he wanted to leave the job. On the next day, he decided to tender

his resignation. He met Dr. Surendra Manjrekar. That time, he told the deceased that he could leave the job but he would see to it that the deceased would not get any job. On 30.9.2021, the deceased jumped from the office building and committed suicide. The FIR mentions that the informant came to know that before committing suicide, during the lunch time the deceased was talking with the applicant Sourabh Manjrekar and other accused Surendra Manjrekar. The informant went through the note book of the deceased wherein he has mentioned that because of the the increased targets and the behaviour of Surendra Manjrekar, the deceased had lost 6 to 7 Kg. Weight. According to the first informant, all these contributed to the deceased committing suicide and all the accused including the present applicants are directly responsible for commission of suicide. On this basis, the FIR is lodged.

5. Learned Senior Counsel Shri Mundargi submitted that during the period of lock-down the company suffered heavily financially. In spite of that; the salary of all the

employees was paid throughout. There was no deduction in the salary. Even the deceased was paid though the company did not have sufficient business. The company was in the business of water-proofing and because of the lock-down, the construction business had suffered. Consequently the company's business also suffered and yet the company had looked after all its employees.

6. Shri Mundargi further submitted that in any case there are no serious allegations against both these applicants. The applicant Ishita had delivered her baby on 5.9.2021. She is a married lady and her matrimonial house is in Surat and, therefore, obviously she had nothing to do with the entire incident and yet she is dragged in the offence because of the anger entertained by the informant and her family. As far as the applicant Sourabh is concerned, there are only general allegations against him.

7. Shri Mundargi submitted that giving the bigger targets can hardly be termed as abetment to commit suicide.

8. Learned APP appearing in the application of the applicant Ishita submitted that the investigating agency does not want her custody as she has delivered a child on 5.9.2021. Learned APP appearing in the application of the applicant Sourabh, however, opposed this application based on the averments made in the FIR and she relied on the note-book of the deceased.

1. I have considered these submissions. A copy of the note book was produced for court's perusal. Towards the end of the note-book there is a clear averment that 'Dr.SKM' is the main cause. 'Dr.SKM' is perhaps with reference to Dr. Surendra Manjrekar. Therefore, even the deceased was not treating the applicants as the persons responsible for the step that he was taking. The overall narration in the FIR also indicates the state of mind of the deceased. There is substance in the learned counsel's submission that during the lock-down the accused's company had suffered losses and yet full salary was paid to all the employees. After reopening the company had to give revised increased targets and there was nothing personal

about it.

2. Considering all these submissions and the discussion above, it does appear that both these applicants need not be arrested in this particular case. Their custodial interrogation is not necessary. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.913/2021 dated 3.12.2021 registered with Dadar Police Station, Mumbai, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Both Anticipatory Bail Applications stand disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.01.25
16:15:29
+0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)