

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

ANTICIPATORY BAIL APPLICATION NO. 222 OF 2022

Dr. Surendra Manjrekar	 Applicant
Versus	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 332 OF 2022**

Smt. Minal Nikhil Joshi	 Intervenor.
-------------------------	------------------

In the matter between:

Dr. Surendra Manjrekar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Ashok Mundargi, Sr. Advocate i/b. Jayant J. Bardeskar for Applicant.

Mr. Rajesh More, for Intervenor.

Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 28th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.913 of 2021 registered at Dadar Police Station, on

03/12/2021, under section 306 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Ashok Mundargi, learned Senior Counsel for the applicant, Shri. Rajesh More, learned counsel for the Intervenor and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Minal Joshi who was the wife of the deceased Nikhil Joshi, whose suicide is the subject matter of this investigation. The informant has stated that the deceased was working with Sunanda Specialty Coatings Pvt. Ltd. The applicant was a Director of that company. The deceased was working with the company since 2001 and on the date of incident i.e. on 30/09/2021 the deceased was earning salary of Rs.1,35,000/- p.m. The F.I.R. mentions that, when the deceased had joined the company in the year 2001 the applicant was happy with his performance and the company was benefited greatly by the deceased's hard work. In the year 2011, the applicant's son and daughter joined the company as Directors. They were not happy with the prominence which the deceased was getting and they were humiliating the deceased. The F.I.R.

mentions that, recently the company had implemented unfair rules. The seniors were expected to join a standing meeting at 9.30a.m. daily. In that meeting the company used to give bigger targets. The F.I.R. mentions that, in the meetings the deceased was often humiliated. The deceased was working at a senior position and, therefore, he was disturbed because of such treatment. The company was not giving him basic facilities like driver for his vehicle. The company was not giving him leave. The deceased had started suffering from weakness and other medical ailments. He was also taking treatment for his stress. According to the F.I.R., the deceased had mentioned this to the applicant but the applicant had ignored that. The informant had advised the deceased to leave the company. At that time, the deceased had told her that, those who had left the company had to face different cases. The company had not given gratuity to them. Therefore, the deceased was reluctant to leave the job.

4. On 25/09/2021, the deceased had requested the applicant's wife to sanction his leave. However, she told the deceased to have a word with the applicant. The deceased tried to

talk with the applicant but the applicant did not respond and did not return his call.

5. On 27/09/2021, the deceased was to give his application for leave. The applicant asked him to wait in the company office. The applicant did not come to the office. On 28/09/2021, when the deceased had come back from his job, he looked frustrated and, therefore, everybody in the family discussed the issue and it was decided that the deceased should resign.

6. On 29/09/2021, the deceased approached the applicant with resignation letter. At that time, the applicant did not entertain him. He told the deceased that, he did not have time and that the deceased was free to do whatever he wanted to do. The applicant told the deceased that he would see to it that the deceased would not get any other job. The deceased was threatened regarding future of his career.

7. On 30/09/2021, the deceased went to the office. There are allegations that, during lunch hours he was sitting with the applicant and applicant's son Saurabh. Within a short time after

that, the deceased jumped from the office building and committed suicide. On this basis the F.I.R. was lodged.

8. Learned senior counsel appearing for the applicant submitted that, taking the allegations as they are, they would not fall within the ambit of section 107 r/w. Section 306 of IPC. None of the acts attributed to the applicant would amount to abetment to commit suicide. He submitted that, during the lockdown the company had suffered loss and, therefore, once everything was returning back to normal, the company had to put in extra efforts to recover the loss and there was nothing wrong in setting targets. He submitted that, having a meeting before start of the day also cannot be an act which would amount to instigating the deceased to commit suicide. He submitted that, the applicant is 71 years of age and based on these weak allegations, his custodial interrogation is not necessary. He submitted that the co-accused i.e. applicant's son and daughter are already granted anticipatory bail by this court vide order dated 21/01/2022.

9. Learned APP opposed this application. She relied on the entry in the Note book of the deceased, wherein the deceased

had mentioned that the applicant was the main cause. Learned APP submitted that, there is a reference to this entry in the order granting anticipatory bail to the co-accused. She submitted that, thus, according to the deceased himself the applicant was main the cause because of whom the deceased has committed suicide.

10. Learned counsel for the intervenor submitted that the F.I.R. mentions that the applicant had threatened the deceased that, he would see to it that the deceased would not get any job if he left the company. This is a serious allegation. Therefore, this application should not be granted.

11. I have considered these submissions. So far as, order dated 21/01/2022 granting bail to the co-accused i.e. applicant's son and daughter is concerned, their case was decided from their perspective. The applicant has independent right to approach this court. Therefore, I have independently assessed the material against him to decide this issue; whether his custodial interrogation is necessary in this offence. While it is true that the deceased had written in the Note book that the applicant was the main cause, the reason for this grudge is elaborated in the F.I.R.

The informant has mentioned that the deceased was given bigger targets. He was asked to attend the standing meeting daily in the morning at 9.30a.m. He was not given facility like driver for his vehicle, he was not granted leave and his resignation was not accepted. These are the basic allegations. At this stage, it is rather difficult to observe that either of these acts would be covered within the meaning of Section 107 r/w. S. 306 of IPC.

12. The F.I.R. itself shows that the deceased was taking treatment for his stress management. He was disturbed and in the disturbed state of mind he had committed suicide. So, there is possibility that his commission of suicide was a result of his mental state. Though, there are allegations that he was disturbed because of stress in the company, the company was entitled to carry its business in the manner that was in the best interest of the company. That by itself would not mean that the bigger targets were given and meeting was arranged, so that the deceased would commit suicide. The only serious allegation in the F.I.R. is about the applicant threatening the deceased about his prospects in career. Effect of such treats will be a matter of trial based on the

evidence led before the court. Today, I am only deciding the question whether the applicant's custodial interrogation in this background is necessary. The applicant is 71 years of age. It is doubtful whether the offence U/s.306 r/w. S.107 of IPC is made out. The main allegations are about the company setting big targets, not granting leave and not accepting the resignation. These acts would be in the normal course of business. The deceased was earning Rs.1,35,000/-p.m. He was working with the company since the year 2001. The company had not stopped his salary, even during the period of lockdown, as submitted by learned senior counsel. All these factors also need to be taken into consideration. Therefore, in my opinion, the applicant has made out a case for grant of anticipatory bail order in his favour. It is made clear that these observations are restricted to passing of this order and the trial court shall decide the trial on its own merits on the basis of the evidence led before it.

13. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.913 of 2021 registered at Dadar Police

Station, the applicant is directed to be released on bail on his furnishing P. R. 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) With disposal of anticipatory bail application, the Interim Application No. 332 of 2022 does not survive and it is also disposed of accordingly.

(SARANG V. KOTWAL, J.)