

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

**ANTICIPATORY BAIL APPLICATION NO.471 OF 2022**

Yogesh Pandhari Gavit .... Applicant

versus

State of Maharashtra .... Respondent

.....

- Mr.Raviraj R. Paramane, Advocate for Applicant.
- Mr.M. G. Patil, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 22<sup>nd</sup> FEBRUARY, 2022**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.25/2022, dated 06/02/2022, registered with Vikramgad Police Station, Palghar, under sections 306 r/w 34 of the Indian Penal Code.

2. Heard Mr.Raviraj R. Paramane, learned counsel for the Applicant and Mr.M. G. Patil, learned APP for the State.

3. The FIR is lodged by one Ramesh Madhukar Jadhav in respect of suicide committed by his cousin Raghunath. He has

stated that there was a dispute between Raghunath and one Vishnu Gavit regarding a compound wall. The FIR mentions that Vishnu, Vishnu's son Roshan, Vishnu's wife Kamal used to frequently abuse and threaten Raghunath. On 31/01/2022 there was an incident where Raghunath was assaulted by Roshan, Pandhari Gavit and Vimal Gavit. In the incident Raghunath lost his tooth. The parties including Raghunath went to Vikramgad police station. He was taken to Primary Health Centre for treatment. When they came back to police station, a complaint was registered at Raghunath's behest against Roshan Gavit, Pandhari Gavit and Vimal Gavit. On 01/02/2022 the informant, Raghunath and others were called to Vikramgad police station. They came to know that Roshan had also complained against Raghunath. Because of chapter case was filed against the informant's group; on 02/02/2022, Raghunath was produced before Special Executive Magistrate, Vikramgad. In the evening Raghunath was again threatened and abused by Roshan, Vishnu, Pandhari and Vimal. The incident was captured on video. But, another complaint was lodged against Raghunath. He and his

family members were arrested and they were released on bail. Raghunath was under mental pressure. He consumed poison and committed suicide. In the FIR there is hardly any role attributed to the Applicant. But in the concluding paragraph, his name was also mentioned as one of the accused.

4. Learned counsel for the Applicant submitted that, in the FIR, no role is given to the present Applicant. Even otherwise, the incident of earlier assault would not amount to offence under section 306 of IPC. The material against the Applicant is weak and therefore his custodial interrogation is not necessary.

5. Learned APP opposed this application. He submitted that suicide note was produced by the informant, which was written by the deceased Raghunath. In that note, he had blamed the present Applicant besides other accused. Learned APP also produced supplementary statement of the informant before the Court to oppose this application.

6. I have considered these submissions. As rightly submitted by learned counsel for the Applicant, absolutely no role is attributed to the Applicant in respect of earlier incident and cases and counter cases lodged at the police station. When Raghunath had suffered injuries; even in that incident, Applicant was not named as one of the assailants. It is difficult to understand how his name appears in the concluding paragraph of the FIR.

7. As far as suicide note is concerned, the supplementary statement of the informant shows that, initially, the informant had refused to produce that suicide note before the police. He had shown it in presence of media. This indicates that the informant was more concerned in bringing it before the media than assisting Investigating Officer in this case. Therefore there is a possibility of false implication. In this view of the matter, the Applicant's role is doubtful. His custodial interrogation is not necessary. He can be protected by an order of anticipatory bail.

8. Hence, the following order :

**ORDER**

- (i) In the event of his arrest in connection with C.R.No.25/2022, dated 06/02/2022, registered with Vikramgad Police Station, Palghar, 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) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**