

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

ANTICIPATORY BAIL APPLICATION NO.1317 OF 2022

Vishwajit Vijay Chavan ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Ranjeet M. Pawar, for Applicant.
Ms. Geeta P Mulekar, APP, for State.

CORAM: N.J.JAMADAR, J.

**DATE : 13th MAY, 2022
(VACATION COURT)**

P.C.

1. Heard the learned Advocate for the Applicant and the learned APP for the State.
2. The Applicant is apprehending arrest in C.R.No.515 of 2022 for the offences punishable under Sections 306, 323, 504, 506 of the Indian Penal Code, 1860. The Applicant preferred this Application seeking pre-arrest bail. Mr. Bhausaheb Kisan Chavan lodged a report with Vadgaon Nimbalkar Police Station with the allegations that his son Prashant (the deceased) had an affair with the daughter of Mr. Sanjay Chavan. Accused Mr. Sanjay Chavan and his relatives were against the said relationship. They repeatedly pressurized the deceased Prashant to break the said relationship.

The deceased thus committed suicide on 25th October, 2021.

3. A report was lodged on 14th December, 2021, wherein Sanjay Chavan and his relatives namely Mahendra Chavan, Rohidas Chavan, Atul Jadhav, Dinesh R. Jadhav were named as the persons who abetted the commission of the suicide by the deceased.

4. The learned Advocate for the Applicant submitted that the Applicant was not at all named in the FIR, which was lodged after two months of the alleged occurrence. There is no material to connect the Applicant with the crime. The accused who were specifically named in the FIR, were ordered to be released by the learned Sessions Judge in the event of their arrest. However, the application of the Applicant came to be rejected by the learned Sessions Judge on a solitary statement of one Nitin Baban Kharade recorded under Section 161 of the Code of Criminal Procedure, 1973.

4. The learned APP, banking upon the aforesaid statement of Mr. Nitin Baban Kharade, would urge that the said witness has stated that on 24th October, 2021, the deceased had received calls from two persons and the deceased was imploring them to pardon him. Learned submitted that the Applicant was one of those two persons.

5. Evidently, the Applicant was not named as one of the persons who were subjecting the deceased to harassment on account of the alleged relationship with the daughter of accused Sanjay Chavan. Even if the statement of Mr. Nitin Baban Kharade is taken at par, it does not have the propensity to bring the conduct of the Applicant within the ambit of the offence punishable under Section 306 of the Indian Penal Code. Thus, a prima facie case for exercise of discretion under Section 438 of the Code of Criminal Procedure is made out and the Applicant is entitled to be released on bail. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant in C.R.No.515 of 2022 for the offences punishable under Sections 306, 323, 504, 506 of the Indian Penal Code, he be released on bail on furnishing a PR bond in the sum of Rs.15,000/- and one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to the Investigating Officer as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the prosecution

witnesses.

(iv) The Applicant shall handover his mobile phone to the Investigating Officer for the purpose of investigation.

(v) The Application stands disposed

(N.J.JAMADAR, J.)