



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3185 OF 2023**

Bharat Sahebrao Pawar and Anr.	...	Applicants
versus		
The State of Maharashtra	...	Respondent

Mr. Piyush Toshnival i/by Mr. Ashish Pawar, for Applicants.
Mr. S.H.Yadav, APP for State.
Mr. Amit Shivaji Shitole, API, Satara City Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 8 NOVEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.715 of 2023 registered with Satara City Police Station for the offences punishable under Sections 306 read with 34 of the Indian Penal Code.
3. The first informant is the son of the deceased who died by suicide on 22 March 2023. On 30 June 2023, the first informant found an envelope in the cupboard of the deceased. A suicide note was found therein along with the five cheques drawn in the name of the deceased. The suicide note indicated that the deceased was the good friend of the applicants. They had helped each other in difficult times. The deceased had advanced money to the applicants. Part of the loan amount was repaid. However, they were not returning the balance amount, despite repeated requests.

Therefore, the deceased was constrained to commit suicide.

4. Learned Counsel for the Applicants submitted that the deceased died by suicide on 22 March 2023. The alleged suicide note was found on 30 June 2023. The delay erodes the veracity of the prosecution. It is further submitted that the allegations in the FIR do not make out a case of abetment of suicide.

5. Learned APP submitted that the suicide note revealed that the applicants had borrowed money from the deceased and were not returning the amount despite repeated demands. Thus, the deceased was compelled to commit suicide.

6. Prima facie, the allegations in the FIR, even if taken at par, do not constitute an instigation or intentional aid to commit suicide. There is an element of delay in alleged unearthing of the suicide note. In any event, the allegations in the FIR, at best, indicate that the applicants who had borrowed money from the deceased were avoiding to repay the same. The said conduct on the part of the applicants cannot be said to be a direct or proximate act or omission on the part of the applicants which left the deceased with no option but to commit suicide. In the circumstances, I am persuaded to exercise the discretion in favour of the applicants.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicants – Bharat Sahebrao Pawar and Sachin Sahebrao Pawar in connection with C.R.No.715 of 2023 registered

with Satara City Police Station, they be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation and report to Satara City Police Station on 20th, 21st and 22nd November 2023 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(v) The Application stands disposed.

(vi) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)