

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1733 OF 2023

Rupesh Rajesh Jadhav	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Nitin Gaware Patil, for the Applicant.

Mr. Pandurang H. Gaikwad , APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 22, 2023

PC.:

1. The applicant apprehending arrest in connection with C.R. No.82 of 2023 registered with Daund Police Station, Pune Gramin for the offence punishable under Section 306, 511, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 has filed present anticipatory bail application seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, on 4 February 2023 at about 17.51 hours widow of the deceased lodged a report alleging that on 19 January 2023 at about 11.30 hours when she was away from home to attend marriage ceremony of her relatives, she received a telephone call from husband's relatives stating that the deceased Arjun consumed poisonous liquid and has been admitted to the Mahalaxmi Hospital, Daund. She immediately returned while the deceased was on ventilator in unconscious condition. According to

her, he consumed poisonous liquid due to physical and mental harassment, threat and abuse by the applicants. According to her, the deceased had availed loan from the accused and despite repayment the applicants were continuously harassing him. The applicants had obtained signatures of the deceased on blank paper and were giving threats.

3. The applicant, therefore, filed application under Section 438 of the Criminal Procedure Code, 1973 before the learned Sessions Judge which is rejected by order dated 10 March 2023. Aggrieved thereby, the applicant has filed present anticipatory bail application.

4. Learned Advocate for the applicant submitted that the material on record does not indicate fact that the deceased was left with no other option but to commit suicide nor any proximate cause for committing suicide is borne out of the material on record. The applicant has never lent any money to the deceased. He is ready to cooperate with the investigation.

5. Per contra, learned APP and learned Advocate for the victim submitted that the offence alleged is of serious in nature. Investigation is going on. It is necessary to seize blank cheque and blank paper along with other material.

6. On perusal of the case papers and material on record, it appears prima facie that the material on record as of today do not indicate that the deceased was left with no other option but to commit suicide. Based on CDR which finds place in the case papers, it appears that last call to the deceased was of 10 January

2023 where as the incident is of 29 January 2023. The material on record does not indicate proximate cause which prompted the deceased to commit suicide. Therefore, prima facie the applicant is entitled to relief, subject to following conditions.

- a) In the event of arrest of the applicant in connection with C.R. No.82 of 2023 registered with Daund Police Station, Pune Gramin for the offence punishable under Section 306, 511, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, he be released on bail on furnishing PR. Bond in the amount of Rs.50,000/- along with one or two sureties in the like amount;
- b) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- c) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- d) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

7. The anticipatory bail application is allowed in above terms.
No costs.

(AMIT BORKAR, J.)