

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

ANTICIPATORY BAIL APPLICATION NO.1836 OF 2023

Subhash Kondiba Kokare ...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.1837 OF 2023

Jamadar Husain Sutar ...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.1839 OF 2023

Ravindra Gopal Pujari ...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. M.A. Choudhari with Mr. Ranveer R. Choudhari for the Applicants.

Mr. R.M. Pethe, APP for the Respondent -State.

Mr. Babu Pingale, Mangalvedha Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd JULY, 2023.

Digitally
signed by
MEGHA
SHREEDHAR
PARAB
Date:
2023.07.05
11:50:11
+0530

P. C. :-

1. The Applicants apprehend their arrest in C.R. No.441 of 2023 registered with Mangalvedha Police Station, District-Solapur, for

the offences punishable under Section 306 r/w. 34 of the IPC.

2. Heard Mr. Choudhari, learned counsel for the Applicants and Mr. R.M. Pethe, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Bapu Kokare, brother of the deceased -Balaji Kokare. The facts narrated in the FIR prima facie reveal that said Balaji committed suicide on 25/05/2023. The crime has been registered against the Applicants for abetting suicide solely on the basis of the suicide note, which states that the Applicants were involved in spreading rumours that the deceased was an alcoholic with other vices.

4. The material on record does not indicate any positive act on the part of the Applicant to instigate, aid or facilitate the commission of suicide. Hence, the allegations in the suicide note, even if taken at its face value and accepted in their entirety do not prima facie constitute 'abetment' within the meaning of Section 107 of the IPC.

5. Under the circumstances, this is a fit case to exercise jurisdiction under Section 438 of the Cr.P.C. in favour of the Applicants. Hence, the applications are allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in C.R.

No.441 of 2023 registered with Mangalvedha Police Station, District-Solapur, they shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount;

(ii) The Applicants shall report to the concerned

Investigating Officer for a period of two days i.e. 07/07/2023 and 08/07/2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer for the purpose of investigation;

(iii) The Applicants shall not tamper with the

prosecution evidence and or influence the witnesses in any manner;

(iv) The Applicants shall keep the Investigating Officer

informed of their current addresses and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)