

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

ANTICIPATORY BAIL APPLICATION NO. 2625 OF 2023

Sandeep Balkrishna Kesarkar ...Applicant
Versus
State of Maharashtra and anr. ...Respondents

Mr. Ramesh Shinde, for the Applicant.

Mr. P. H. Gaikwad-Patil, APP for the State/Respondent.

API Vikramsingh Patil, Sahar Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 20th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This application is preferred for pre-arrest bail in connection with CR No.336 of 2023, registered with Sahar Police Station, Mumbai, for an offence punishable under Section 306 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3. The husband of the first informant died by suicide on 24th June, 2023. On 25th June, 2023, the brother of the deceased allegedly checked the mobile phone handset of the deceased and found a video clip, wherein the deceased had allegedly named the applicant as one of the four persons,

who had subjected him to harassment and in the event he died, those persons shall be held liable.

4. The learned Counsel for the applicant invited the attention of the Court to an order dated 12th September, 2023 passed by this Court in ABA/2593/2023, whereby co-accused Vishal Pawar was granted interim protection.

5. The role attributed to the applicant appears to be identical to that of Vishal Pawar of Supriya Travels.

6. Mr. Gaikwad, the learned APP, invited the attention of the Court to the transcript of the alleged video clip found in the mobile phone handset of the deceased and the statement of Taufiq Shaikh, who was working with Shri Sai Rental Care Pvt. Ltd.

7. The allegations in the FIR indicate that the first informant had made inquiries with the deceased as to why he was tense and, thereupon, the deceased had replied that co-accused Amol Kadam and Manish Singh were subjecting him to harassment. The applicant appears to have been roped in primarily on the basis of the transcript of the video clip found in the mobile phone handset of the deceased. The statement of Taufiq Shaikh indicates that co-accused Amol Kadam had

a dispute with the deceased. Therefore, co-accused Amol Kadam started to avoid hiring the vehicle of the deceased and instead hired the vehicle of the applicant Sandeep Kesarkar and the deceased, thus, suffered loss in business.

8. In the face of the aforesaid material, at this juncture, it would be difficult to draw an inference that there was a direct and proximate instigation and intentional aid by the applicant to the deceased to commit suicide. Otherwise also, the allegations appear to be primarily against Amol Kadam and Manish Singh. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

9. Hence, the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.336 of 2023, registered with Sahar Police Station, Mumbai, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Sahar Police Station on

every alternate Sunday in between 10.00 am. to 1.00 pm. for a period of one month.

- (iii) The applicant shall not tamper with the prosecution evidence and give threat or inducement to the first informant and any person acquainted with the facts of the case.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]