

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2685 OF 2023**

Gajanan Suresh Chafekar	...	Applicant
versus		
State of Maharashtra	...	Respondent

Ms. Mallika A. Ingale, for Applicant.

Mr. R.M.Pethe, APP for State.

Mr. Nitin Dongare, PSI and Mr. Tushar Borase, HC Vangaon Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 21 SEPTEMBER 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.82 of 2023 registered with Vangaon Police Station for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860.
3. The Applicant and the co-accused, who are the siblings and members of the family of the applicant, have been arraigned for having abetted the commission of suicide of Jitendra, the brother of the first informant. The deceased died by suicide on the night intervening 7 and 8 September 2023. The deceased has allegedly sent a video clip containing a message that he was committing suicide being fed-up with the illtreatment meted out to him by his neighbours, the applicant and co-accused.
4. The learned Counsel for the Applicant submitted that rest of the co-

accused have been granted the relief of pre-arrest bail. There is no substantial difference between the role attributed to the applicant and the co-accused. It was further submitted that initially the relationship between the deceased with the applicant and his family members were cordial and, later on, as the dispute arose, they were not on talking terms. It was further submitted that even if the allegations in the FIR based on the alleged video clip are taken at par, the offence punishable under Section 306 of IPC cannot be said to have been prima facie made out.

5. The learned APP, on the other hand, submitted that the applicant and the co-accused have been specifically named in the video clip which is in the nature of suicide note.

6. I have carefully perused the transcript of the video clip incorporated in the FIR. It seems that the deceased had levelled myriad allegations against each of the members of the applicant's family. Prima facie, few of the co-accused were not residing in the neighbourhood of the deceased. There is not much difference between the role attributed to the applicant and the co-accused. It is trite that to make out an offence punishable under Section 306 of the IPC, there must be material to show abetment as contemplated under Section 107 of the IPC with an intent to bring about the result of suicide by the deceased.

7. In the case at hand, even if the allegations in the FIR are taken at par yet neither the element of instigation nor intentional aid so as to bring about the result of

suicide by the deceased is prima facie, made out. In any event, since the role attributed to the applicant appears to be substantially similar to the co-accused and the custodial interrogation of the applicant is not warranted, I am inclined to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Gajanan Suresh Chafekar in connection with C.R.No.82 of 2023 registered with Vangaon Police Station, 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 co-operate with the investigation and report to Vangaon Police Station on every alternate Sunday for a period of two months.

(iii) The Applicant 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 Applicant shall regularly attend the jurisdictional Court.

(v) The Application stands disposed.

(N.J.JAMADAR, J.)