

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3334 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Laxman Tukaram Kathe ...Applicant
Versus
State of Maharashtra ...Respondent

Ms. Saili Dhuru, for the Applicant.
Mr. S. H. Yadav, APP for the State/Respondent.
PSI Satish Doule, Sinnar Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 30th NOVEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.65 of 2019, registered with Sinnar Police Station, Nashik, for an offence punishable under Section 306 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The deceased was the sister-in-law of the first informant. The deceased died by suicide on 3rd February, 2019. The deceased had sent a message to the niece of the first informant that she was committing suicide on account of

harassment at the hands of Sandeep Kathe and Archana Kathe, the co-accused, who were allegedly demanding money from the deceased and were also subjecting her to mental harassment. It further transpired that the deceased had left a suicide note in which she had mentioned the phone numbers of persons, who had harassed her. One of those phone numbers appeared to be that of the applicant.

4. The learned Counsel for the applicant submitted that similarly circumstanced co-accused Nos.4 and 5 have been released on pre-arrest bail. Principal accused Nos.1 and 2 were arrested and have since been released on bail. Charge-sheet has been filed. The applicant was not named in the FIR and has been roped in on the basis of mere suspicion.

5. The learned APP invited the attention of the Court to the suicide note which was allegedly found in an almirah, in which the telephone numbers of the persons who had threatened the deceased have been mentioned.

6. I have perused the allegations in the FIR and the alleged suicide note. The allegations appear to be primarily against Sandeep Kathe and Archana Kathe. The material on record does not indicate that there is direct or proximate act or omission attributable to the applicant which can be

construed as an instigation or intentional aid to commit suicide. In any event, the investigation seems to be complete and charge-sheet has been filed. Co-accused Nos.4 and 5, who appear to be similarly circumstanced, have been released on pre-arrest bail. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

7. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.65 of 2019, registered with Sinnar Police Station, Nashik, 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 Sinnar Police Station on 7th 8th and 9th December, 2023 in between 10.00 am. to 1.00 pm. and thereafter as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

- (iv) The applicant shall regularly attend the proceedings before the jurisdictional court.
- (v) 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.]