

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

ANTICIPATORY BAIL APPLICATION NO.208 OF 2024

1) Prakash S/o Janardhan Gawande

2) Sagar Kishore Dhamankar

...Applicants

versus

The State of Maharashtra

.... Respondent

Mr. Uday P. Warunjikar i/b Aditya Pankaj Kharkar a/w Sonali R. Chavan for the Applicant.

Ms. M.H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 24th JANUARY 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R. No.786 of 2023 registered at Juna Rajwada Police Station, Kolhapur, on 20th November 2023, under Sections 306 read with 34 of IPC.
2. Heard Mr. Uday Warunjikar, learned counsel for the Applicants and Ms. M.H. Mhatre, learned APP for the State.
3. The FIR is lodged by one Shivam Mane in respect of suicide

committed by his father Sunil Mane. The informant's father was working with Maharashtra State Electricity Distribution Company Limited at Amravati. The informant was residing at Kolhapur. In September 2023, Sunil Mane had come to Kolhapur. That time during discussion, he had told the informant that both the Applicants and one Badiruddin Sheikh were putting pressure on him for signing the bills in respect of sub-standard work carried out by them. The informant had suggested to him to get transferred to Kolhapur. On the second occasion during Navratri, Sunil Mane told the informant that there was a lot of pressure at the work place. There was heavy work load and there was pressure by the Applicants for signing the bills. They were threatening to bring the reporters for that purpose. On 5th November 2023, again Sunil Mane came to Kolhapur. In the evening he committed suicide by hanging himself in his house. The informant had informed the police. The police were carrying out the Panchanama of the spot. At that time, the informant's brother found a diary containing a chit mentioning the reasons for his suicide. In that suicide note

the name of the present Applicants and Badiruddin Kadiruddin Sheikh and one Onkar Pawde were mentioned. Informant waited for 12 days ritual and then lodged his FIR.

4. Learned counsel for the Applicants submitted that there is unexplained delay in lodging the FIR. In any case, the allegations against the Applicants are vague. At the highest, it can be said that they were demanding payment of their work. This will not amount to abetment to commit suicide or driving the deceased to commit suicide. The other co-accused Onkar Pawde has been granted anticipatory bail by the Sessions Court. There was nothing to show that immediately prior to the incident, the Applicants had committed any act pushing the deceased to commit suicide.
5. Learned APP produced the investigation papers before the Court. She conceded that this alleged suicide note was found on 5th November 2023 itself but the police did not find it necessary to lodge the FIR immediately. Only ADR was already registered. She relied on the statements of the colleagues of the deceased showing that the Applicants had threatened him. She therefore,

submitted that the offence is made out and the Applicant may not be protected.

6. I have considered these submissions. There are statements of other employees working in the office of the deceased. They are Rajesh Rangari, Shreeraj, Shailesh Koche, Chaya Lahore, and Sagar Jare. Their statements mention that both these Applicants were the contractors. The deceased was not satisfied with the construction of compound wall completed by the Applicant Prakash Gawande. And, therefore, the deceased was not prepared to sanction the bills. Both the Applicants were upset. They came to the Office of the deceased and told him that he could verify the quality but he should not stop their bills. At one point of time, the Applicant Prakash Gawande told the deceased that he would contact some Reporters and would see to it that all other contractual jobs were verified and enquired into. The basic intention of the Applicant Prakash Gawande was that the deceased should pass his bill. There is no reference to any threats to his life.

7. The employee Prakash Limbkar has stated that on 4th

November 2023, the Applicant Prakash Gawande had called the deceased. From this evidence, it appears that the Applicant Prakash Gawande was upset because his bills were not being sanctioned. He was contacting the deceased for sanctioning of his bills. The Applicant Prakash Gawande had also called the deceased. But these allegations are vague and are restricted to demand of sanction of the bills. The informant has not stated about the conversation which the Applicant Prakash Gawande had with the deceased on 5th November 2023. The suicide note blames the Applicants but at the same time, it blames the colleagues and superiors of the deceased. One Onkar Pawde was specifically named who is granted anticipatory bail. Deceased was upset because his seniors were ignoring his grievances. There was a reference that the Applicants had told him that they would contact reporters and would see to it that enquiry was conducted in respect of other work. All this goes to show, at the highest, that the Applicants wanted their bills to be passed. But there is hardly any evidence to show that the Applicants were directly responsible or had in any way committed the

offence of abetment as defined under Section 107 of the IPC. Therefore, there is substance in the submissions of the learned counsel for the Applicants, that the Applicants are not responsible for the suicide. At this stage, it is not possible to record a positive finding in that behalf. But in this background, the custodial interrogation of the Applicant would cause irreparable loss if ultimately, the Applicants, are acquitted. Therefore, the Applicants can be protected under Section 438 of Cr.PC..

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 786 of 2023 registered at Juna Rajwada Police Station, Kolhapur the Applicants are directed to be released on bail on their executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called.

- (iii) The Applicants shall co-operate with the investigation.
- (iv) The Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)