

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

ANTICIPATORY BAIL APPLICATION NO. 751 OF 2024

Ganesh Bhimrao Shinde ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Rohit Sawant for Applicant.

Ms. Rajeshree V. Newton, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18 MARCH 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.93 of 2024 registered at Karmala Police Station, Solapur Rural, on 08.02.2024, under sections 306 and 506 r/w. 34 of the Indian Penal Code.
2. Heard Mr. Rohit Sawant, learned counsel for the applicant and Ms. Rajeshree Newton, learned APP for the State.
3. The F.I.R. is lodged by one Suraj Toge. He has stated that, his brother Aakash had got married with his wife 'D'. It was a love marriage. 'D' was working as police constable. She was attached to Karmala police station. The deceased Aakash was also

attached to Karmala police station. About two months prior to the F.I.R., Aakash had told the informant that his wife 'D' was frequently talking with the applicant on telephone and that she was not listening to the deceased Aakash. At that time, the informant and his mother had also spoken with 'D'. She had assured that, she would not talk with the applicant.

4. On 07.02.2014, in the night, Aakash committed suicide by hanging himself in his rented house. He had left behind a suicide note. He had also shared a copy of that suicide note on his social media group. In that suicide note, he had blamed his wife 'D' and the present applicant. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the deceased was entertaining some suspicion, which is not substantiated by any circumstance. The allegations are not true. There is nothing to show that the applicant was having any relation with the wife of the deceased. In any case, the allegations at the highest do not make out any case of 'instigation' or 'abetment' as defined U/s.107 of the I.P.C. The applicant's custodial interrogation is not necessary. He is attached to Karmala police

station. He is available for interrogation.

6. Learned APP opposed these submissions. She produced a copy of the suicide note and the other investigation papers before me. She submitted that, in the suicide note, the deceased had blamed his wife and the present applicant.

7. I have considered these submissions. The statements of mother of the deceased and one Arjun who was friend of the deceased show that the deceased was complaining that his wife 'D' was frequently talking with the applicant on telephone. Beyond that, there are no allegations of any particular act showing their close relationship. The suicide note blames the present applicant. It is mentioned that, on one occasion the applicant had beaten the deceased and had told him either the deceased should die or that he would beat him. There are allegations that the applicant was having relations with the wife of the deceased.

8. Even taking all these allegations into consideration, the investigation does not reveal that the wife of the deceased was having any objectionable relationship with the applicant.

Therefore, at this stage, there is a possibility that the suspicion entertained by the deceased was unfounded. Even otherwise, the allegations against the applicant may not amount to the 'abetment' as defined U/s.107 of the I.P.C. and as required U/s.306 of the I.P.C. In this view of the matter, the applicant's custodial interrogation will not be justified. It would be sufficient if he co-operates with the investigation.

9. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.93 of 2024 registered at Karmala Police Station, Solapur Rural, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)