

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1298 OF 2024

Ratansing Kashinath@ Kashiram Badurwale

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH
INTERIM APPLICATION NO. 2235 OF 2024

- Mr. Ritesh Thobde i/b Ankita P. Rai, for Applicant.
- Mr. Hrishikesh S. Shhinde, for Intervenor (IA/2235/2024).
- Mr. Prasanna P. Malshe, APP for the State.

CORAM: MANISH PITALE, J.

DATE : 14th JUNE, 2024.

P. C. :

1. Heard learned counsel for the applicant, the learned APP for State and the learned counsel representing the informant.
2. The applicant is named as one of the four accused persons in First Information Report No.794 of 2024 dated 18th December, 2023, registered at Police Station Sadar Bazar, District Solapur, for offences under Sections 306, 504, 506 r/w 34 of the Indian Penal Code (IPC).
3. On 18th December, 2023, the daughter of the informant committed suicide and he gave a statement to the police on the same day, leading to registration of the FIR. In the statement, the informant stated that when he spoke to his daughter at 07.00 a.m. in the morning she looked

depressed and upon being asked, she stated that she was under tension because of the manner in which the four accused persons had accosted her on various dates, abused her and threatened her, stating that she should not give evidence in a case concerning Section 307 of the IPC and another case for offences under the provisions of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). At about 09.30 a.m., when the informant was to leave for her Court and he called for his daughter, he was told that she was in her room. When he approached the room, it was bolted from inside and eventually when the room was opened, it was found that the daughter of the informant had committed suicide by hanging herself from the ceiling fan. A suicide note is on record.

4. The learned counsel for the applicant submits that the suicide note does not name anybody and instead shows that the daughter of the informant was suffering from depression. She did not hold anybody responsible for taking the aforesaid step.

5. The learned counsel for the applicant further invited attention of this Court to the two cross FIRs dated 29th June, 2019 concerning the case under Section 307 of the IPC. Emphasizing that in one of the FIRs, the informant and his father are shown as accused alongwith others while in the other FIR, the accused No.2 is shown as an accused with other accused

persons. He further invited attention of this Court to the FIR dated 13th October, 2018, wherein the deceased was the victim and the informant. The accused Nos.1 and 2 along with others were shown as the accused persons concerning offences under IPC and Section 12 of the POCSO Act.

6. It is emphasized on behalf of the applicant that in none of the aforementioned cases is the applicant arrayed as the accused and therefore, he would have no reason to threaten the deceased, not to give evidence in such cases before the Court.

7. Apart from this, attention of this Court is invited to the statement of the wife of the informant i.e. mother of the deceased. She stated on 09th February, 2024 during the course of investigation before the police that due to matrimonial dispute she had been living separately from the informant for about five years and on 15th December, 2023, she came to her matrimonial house and on that day there was a quarrel in the street between her father and brother i.e. the applicant and his son (accused No.4) on the one hand and the informant on the other. She stated that despite the informant objecting, her father-in-law permitted her to reside in the matrimonial house. Thereafter, she gave details about the incident dated 18th December, 2023. It is further submitted that the applicant is a senior citizen aged about 70 years and in the backdrop of the matrimonial dispute between the daughter of the applicant

and the informant, it appears that he has been falsely implicated and unnecessarily roped-in, in connection with the present case. On this basis, it was submitted that this Court may favourably consider the present application.

8. The learned APP submits that a video of the incident of 15th December, 2023, is available when the aforesaid quarrel had taken place, which shows the presence of the applicant with the other accused persons. He further invited attention of this Court to the statement of one Radhika, who is the niece of the informant. He submits that her statement corroborates the incident of 15th December, 2023, and it further demonstrates that the actions of the applicant along with other accused persons had pushed the victim to commit suicide.

9. The learned counsel appearing for the informant has supported the contentions raised by the learned APP.

10. The material on record shows that according to the informant, the accused persons had accosted the victim on a number of occasions and threatened her not to give evidence in the cases concerning POCSO Act and the offences under Section 307 of the IPC. It is the case of the informant that due to the aforesaid reason the victim was depressed and she committed suicide.

11. As noted hereinabove, the applicant before this Court is not an accused in any of the aforesaid cases. Therefore, he would have no reason to threaten the victim not to give evidence in the Court in respect of the said cases. At worst, it appears that there was a quarrel between the applicant and the informant in the backdrop of the matrimonial dispute between the daughter of the applicant and the informant. This Court is unable to understand the connection of the aforesaid pending criminal cases with the applicant before this Court.

12. Apart from this, the suicide note does not name the applicant as the person responsible for the victim taking the extreme step. In fact, the tenor of the suicide note indicates that the victim was depressed and she did not want to live.

13. The applicant is a senior citizen aged about 70 years and this is another factor that is required to be taken into consideration in the present application. Considering all the aforesaid factors, the applicant has indeed made out a case in his favour.

14. In view of the above, the application is allowed in the following terms :

- (A) The applicant shall be released on bail in connection with
FIR No.0794 of 2024, registered at Police Station Sadar

Bazar, District Solapur, on furnishing PR bond of Rs.25,000/- and sureties in the like amount to the satisfaction of the Trial Court.

- (B) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.
- (C) The applicant shall present himself before the investigating officer, if so required.
- (D) The applicant shall cooperate with the proceedings in the Trial Court and he shall remain present before the Trial Court on each and every date, except when specifically exempted by the Trial Court.

15. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is made clear that the present order has been passed in the context of the applicant and appreciation of the material available on record in that context.

16. It is further made clear that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant and that the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

17. In view of the above, the interim application for intervention filed on behalf of the intervenor is also disposed of.

18. The application is disposed of.

(MANISH PITALE, J.)