

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

ANTICIPATORY BAIL APPLICATION NO.49 OF 2024

Mitesh Savji Raghwani Applicant
Versus
The State of Maharashtra Respondent

Mr. Rishi Bhuta, Advocate a/w. Sarita Tripathi, Neha Patil,
Saakshi Jha, Risha Rathod for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 09th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1162/2023 registered at Mumbra Police Station, Thane on 1.11.2023 under section 306 read with 34 of IPC.

2. Heard Mr. Rishi Bhuta, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The FIR is lodged by one Avinash Lad in respect of commission of suicide by his brother Vinod. The deceased was

working in the company of the present Applicant as a Driver. He used to earn Rs.18,000/- per month. On 28.10.2023, Vinod told the first informant that he wanted to leave his job but the Applicant and his Partner Dipak told him that they were suspecting that he had stolen Rs.35,000/-. On 31.10.2023 in the evening the deceased Vinod hanged himself and committed suicide. He had left behind a suicide note. In that suicide note he had named the present Applicant and his Partner Dipak. There is a reference to the deceased having gone to the Police Station to register an N.C. but the police had not taken proper cognizance of his complaint. Thereafter, there are other allegations in the suicide note. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the alleged act of the present Applicant will not amount to abetment within the meaning of Section 107 of IPC. If there were any disputes about the employment, that cannot be a reason for which the deceased could have held the Applicant responsible for his state of mind to the extent that he was left

with no option but to commit suicide. He, therefore, submitted that in the facts of this case, the custodial interrogation of the Applicant is not necessary at all.

5. Learned APP submitted, on instructions, that it would be sufficient if the Applicant is directed to attend the concerned police station and is directed to cooperate with the investigation.

6. I have considered these submissions. The suicide note mentions that the deceased had worked with the Applicant and his Partner Dipak for about three months. He had expressed his desire to leave the job. He informed the Applicant on 27.10.2023. At that time the Applicant called him and accused the deceased of having stolen Rs.35,000/- from his car. The deceased was told that they would lodge a police complaint. The deceased called the Applicant for payment of his dues. At that time, they repeated the allegations of theft and told him that the deceased will have to pay Rs.15,000/- after deducting the amount of Rs.35,000/-. The suicide note further mentions various other allegations

but there is a reference that the Applicant was not treating him properly and used to abuse him. This was the reason for his commission of suicide.

7. As submitted by learned counsel for the Applicant, there appears to be some serious dispute between the Applicant and the deceased. The Applicant apparently had not treated the deceased properly during the period of his employment. But, at this stage, there is substance in the submissions of learned counsel for the Applicant that the said act of the Applicant may not amount to abetment as defined under Section 107 of IPC. The allegations of theft of Rs.35,000/- were also based on some suspicion but that would not mean that the Applicant had left no option to the deceased but to commit suicide. There are some allegations against the police officers as well.

8. Considering these submissions, in the backdrop of the facts of the present case, the custodial interrogation of the present Applicant is not necessary. He can be protected by an

order under Section 438 of Cr.P.C.. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.1162/2023 registered at Mumbra Police Station, Thane, the Applicant is directed to be released on bail on his furnishing PR 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 attend the concerned police station on 22.1.2024, 23.1.2024 and 24.1.2024 between 1.00 p.m. to 4.00 p.m. and thereafter as and when called. The Applicant shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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