

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

ANTICIPATORY BAIL APPLICATION NO.306 OF 2024

Kripagram Kashiram Sharma @
Parashar & Ors.

.... Applicants

versus

State of Maharashtra

.... Respondent

.....

- Mr. Amol B. Jagtap, Advocate for Applicants.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th FEBRUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.1012/2023, dated 16/10/2023, registered with Vakad Police Station, Pimpri Chinchwad, under sections 306 r/w 34 of the Indian Penal Code.

2. Heard Mr. Amol B. Jagtap, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

3. The FIR is lodged by one Rajkumar Sharma on 16/10/2023 in respect of suicide committed by his brother Mukesh on 26/08/2023. It is mentioned in the FIR that Mukesh had got married to the Applicant No.1 and Applicant No.2's daughter in the year 2015. The Applicant No.3 is the son of other two Applicants. It mentioned in the FIR that the deceased Mukesh was taking contracts for fixing tiles and he was earning sufficiently. The Applicants were in need of money and he used to support them. Till 2020 their relations were good and Mukesh had given them Rs.6 lakhs to 7 lakhs by way of financial help. In the year 2020 Mukesh had gone to their village at Madhya Pradesh. That time, all the three accused had refused to refund his money. It is alleged that they had assaulted the informant. No complaint was lodged by Mukesh. After that, he never went back to the Applicants' house. However, he used to tell the informant that the Applicants were refusing to pay his money and on that count there used to be frequent quarrels through telephonic conversations. It is further alleged that Mukesh's wife used to give him sleeping pills, which had caused deterioration

of his health. On 26/08/2023, the deceased Mukesh committed suicide by hanging himself. After some days, when the informant was checking the mobile phone of the deceased he found three videos in which it was mentioned that the Applicants were responsible for his suicide. One of the videos mentioned that he was given sleeping pills causing health issues and therefore he was committing suicide. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that there is no connection with the alleged acts of the present Applicants with the suicide. The Applicants had not met the deceased personally since the year 2020. Not refunding the financial help, cannot amount to the abetment to commit suicide. He submitted that there is inordinate unexplained delay in lodging the FIR. On this count, the Applicants' custodial interrogation is not necessary.

5. Learned APP submitted that the video recovered from the Applicants' mobile phone clearly blames the Applicants and

therefore there is direct connection of the Applicants with the alleged offence.

6. I have considered these submissions. As rightly submitted by learned counsel for the Applicants, the allegations at the highest against the present Applicants are that they were not refunding the money. That by itself does not mean that they abetted in any manner in the commission of suicide by the deceased. Not refunding the money deliberately may give rise to some other allegations in law, but it would not amount to driving the deceased to commit suicide. The FIR also is lodged after two months from the date of the incident. It does appear to be an afterthought. In any case, even if the deceased blames the Applicants for his suicide, from the facts of this case, it does not appear that there was any direct connection of the Applicants attracting provisions of section 107 r/w 306 of the IPC. In this background, custodial interrogation of the Applicants is not necessary.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.1012/2023, dated 16/10/2023, registered with Vakad Police Station, Pimpri Chinchwad, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)