

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

ANTICIPATORY BAIL APPLICATION NO.307 OF 2024

Badraddin Kadiruddin Sheikh Applicant

versus

State of Maharashtra Respondent

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- Dr. Uday P. Warunjikar a/w Sonali R. Chavan, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

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

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.786/2023, dated 20/11/2023, registered with Juna Rajwada Police Station, Kolhapur, under sections 306 r/w 34 of the Indian Penal Code.

2. Heard Dr. Uday P. Warunjikar, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

3. The FIR is lodged by one Shivam Sunil Mane in respect of suicide committed by his father Sunil Mane. Sunil was working with Maharashtra State Electricity Distribution Company Limited at Amaravati. The informant was residing at Kolhapur. In September 2023 Sunil had gone to Kolhapur. During discussion he had told the informant that the present Applicant, Prakash Gawande and Sagar Dhamankar were putting pressure on him for signing the bills in respect of the sub-standard work. The informant had suggested to him that he should get transferred himself to Kolhapur. On the second occasion during Navratri Sunil told the informant that there was a lot of pressure at his office. The work load was heavy and the contractors were pressurizing him for signing the bills. They were threatening to bring reporters and start enquiry in all other contracts. On 05/11/2023 Sunil had gone to Kolhapur. In the evening he committed suicide by hanging himself in his house. The informant had informed the police. Police had carried out Panchanama at the spot. At that time, the informant's brother found a diary containing a chit mentioning the reasons for

committing suicide. In that suicide note, the names of the Applicant and the aforementioned two contractors as well as Onkar Pawade were mentioned. The informant waited for 12 days rituals to be over and then lodged his FIR.

4. Learned counsel for the Applicant submitted that there is unexplained delay in lodging the FIR. The allegations against the Applicant are vague. He relied on the order passed by this Court in Anticipatory Bail Application No.208 of 2024 on 24/01/2024 in respect of Prakash Gawande and Sagar Dhamankar. Both of them were granted anticipatory bail. He submitted that the Applicant's case stands on a better footing because the main allegations, were against Prakash Gawande. One of the co-accused Onkar is also granted anticipatory bail by the Sessions Court. He therefore submitted that on the ground of parity, the Applicant deserves the same protection.

5. Learned APP produced the investigation papers before the Court. She submitted that the suicide note was found on

05/11/2023. But the police had not registered the FIR immediately.

6. I have considered these submissions and have perused the statements of other employees working in the office of the deceased. They are Rajesh Rangari, Shriraj Shailesh Koche, Chhaya Lohare, Sagar Jare. All of them have stated that the other accused Prakash was demanding the bills for his work. The other contractors including the present Applicant had accompanied him. Sagar Jare had stated that the Applicant was also one of the contractors. There is no immediate contact by the Applicant himself with the deceased. The main allegations are against Prakash. Thus, as rightly submitted by learned counsel for the Applicant, his case stands on a better footing than that of Prakash, who is granted anticipatory bail.

7. Considering all these aspects, the Applicant can also be similarly protected.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.786/2023, dated 20/11/2023, registered with Juna Rajwada Police Station, Kolhapur, 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 as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)