

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

ANTICIPATORY BAIL APPLICATION NO. 877 OF 2024

Shrishail Suresh Swami

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Vikrant V. Phatate for Applicant.

Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 3 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.343 of 2023 registered at Jodbhavi Peth Police Station, Solapur city, on 05.07.2023, under sections 306, 323, 504 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Vikrant Phatate, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.

3. The F.I.R. is lodged by one Sangayya Mathpati. He has stated that he was residing with his family. His son Vijay had got married to the applicant's sister on 17.05.2009. They have two

daughters aged 14 years and 12 years. He has specifically mentioned in the F.I.R. that his son Vijay was addicted to liquor. Whenever he came home after consuming liquor, there used to be quarrels between Vijay and the applicant's sister. Vijay and his wife (applicant's sister) had started residing separately at Banshankari Nagar, Shelgi. Every time Vijay used to consume liquor and pick-up quarrel with his wife, she used to call her father. Thereafter the applicant and her father used to come to their house and used to beat Vijay. On 29.03.2023, Vijay had consumed liquor and was harassing his wife. Therefore, she called the informant. He went to their house and took his son Vijay with him to his house. In the afternoon at 4:00p.m. the applicant, his parents and his sister came to the informant's house. They brought Vijay outside the house. The applicant and his father beat him with kicks and fist blows. The informant had intervened.

4. On 07.04.2023, the informant's son Vijay committed suicide by hanging himself around 4:45p.m. When he was taken to hospital, he was declared dead. On 08.04.2023, the informant's daughters were checking Vijay's luggage. They found a suicide

note, wherein, he had mentioned that since his father-in-law had abused him telephonically, he was committing suicide, and his father-in-law should be held responsible. On these allegations, the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that, there is a delay in lodging the F.I.R. The incident had taken place on 07.04.2023 and the F.I.R. is lodged on 05.07.2023. Taking the prosecution case as it is, at the highest, no case U/s.306 of the I.P.C. against the present applicant is made out.

6. Learned APP submitted that, in these circumstances, it would be sufficient if the applicant co-operates with the investigation.

7. I have considered these submissions. There is considerable force in the submission of learned counsel for the applicant. The F.I.R. is lodged much belatedly i.e. after more than three months. The alleged suicide note does not name the present applicant. The allegations against the applicant are that he had beaten the deceased on 29.03.2023. The deceased had committed

suicide on 07.04.2023. Thus, in any case, there is no proximity of the act alleged against the applicant and the act of suicide committed by the deceased. In this view of the matter, the applicant's custodial interrogation is not necessary.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.343 of 2023 registered at Jodbhavi Peth Police Station, Solapur city, 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.)