

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

ANTICIPATORY BAIL APPLICATION NO.1207 OF 2024

1. Ram Haribhau Gunjal, &
2. Sanjay Alias Sandip Rabhaji
Borchate

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Nikhil Dilip Waje, Advocate a/w. Vishesh Srivastav, Prem
Gada for the Applicants.

Ms. Poonam P. Bhosale, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 03rd MAY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.108/2024 registered at Alephata Police Station, District Pune on 11.4.2024 under section 306 read with 34 of IPC.

2. Heard Mr. Nikhil Waje, learned counsel for the Applicants and Ms. Poonam Bhosale, learned APP for the Respondent-State.

3. The FIR is lodged by one Laxman Gunjal. The FIR is about the suicide committed by the informant's brother

Yogesh. It is mentioned in the FIR that at the time of lodging of the FIR, Yogesh was working as a peon in Belheshwar School, Belhe but he never used to get his salary on time and he used to be constantly under pressure. He used to tell the informant that both the Applicants were harassing him in respect of some fraud committed in Rajlaxmi Cooperative Credit Society at Belhe. Yogesh also used to tell the informant that two other accused Amol Borchate and Varsha Borchate used to harass him because he had misappropriated their amount. On 10.4.2024, Yogesh committed suicide by hanging himself in his house in the evening. The next day i.e. on 11.4.2024, while conducting panchnama of the spot of incident, the police found a suicide note. It was mentioned in the suicide note that fraud was committed in Rajlaxmi Co-operative Credit Society, in which Yogesh was held responsible and on that basis both the present Applicants were harassing him. After that Yogesh was working with Belhe Post Office. There, Amol and Varsha had opened their accounts. They used to give Yogesh Rs.4000/- per month for depositing it in

their accounts. The total amount given was around Rs.1,07,000/- but he had used that amount for himself. He had deposited Rs.39,000/- subsequently but Rs.68,000/- were still unpaid. It was not paid to these two persons. Both those accused were harassing him for refund of that amount. There are allegations that they were constantly harassing him through telephone calls. They also told him that if he was unable to pay then he should commit suicide. Those two i.e. Amol and Varsha had even take his scooty from the school. Getting fed up he committed suicide. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that there is a vague reference to the Applicants' names. There are various reasons given by Yogesh for committing suicide. The other two accused Amol and Varsha are granted anticipatory bail by this Court. Therefore, on the basis of parity, the Applicants also deserve the same protection. He submitted that the allegations against the present Applicants will not attract the provisions of Section 107 read with 306 of IPC.

5. Learned APP opposed these submissions by relying on the contents of the suicide note and the FIR.

6. I have considered these submissions. The FIR itself mentions that there were multiple reasons as to why the deceased Yogesh was disturbed. The FIR mentions that he was working in a school but he was not paid his salary on time. Therefore, he used to be under depression. Apart from that there are allegations that he had misappropriated the amount of Amol and Varsha. They were also constantly demanding back their money. As far as the present Applicants are concerned, there are allegations that there was misappropriation of money in Rajlaxmi Cooperative Credit Society; for which, Yogesh was held responsible and on that count both the Applicants were harassing him. Those allegations are vague and in any case those cannot amount to abetment under Section 107 read with 306 of IPC.

7. In this view of the matter, custodial interrogation of the Applicants is not necessary. It is sufficient if they cooperate with the investigation. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.108/2024 registered at Alephata Police Station, District Pune, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
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