

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1203 OF 2024

YUGANDHARA  
SHARAD  
PATIL

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Amol Kashinath Borchate and Anr. .... Applicants

Versus  
The State of Maharashtra .... Respondent

Mr. Sachin Rajepandhare a/w Sambhaji Jangilwad, for the applicants.

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

CORAM : SARANG V. KOTWAL, J.  
DATE : 2<sup>nd</sup> MAY, 2024

PC. :

1. The Applicants are seeking anticipatory bail in connection with C.R No. 108 of 2024, registered at Alephata Police Station, Pune, on 11/04/2024, under Sections 306 r/w 34 of the Indian Penal Code.

2. Heard Mr. Rajepandhare, learned counsel for the Applicant and Ms. Bhosale, learned APP for the Respondent-State.

3. The FIR is lodged by one Laxman Gunjal, in respect of the suicide committed by his son Yogesh. It is mentioned in the FIR that the deceased Yogesh was having a temporary job in a School as peon but he was not getting his salary. Therefore, he used to be under depression. When the informant used to ask him about his state of mind, he had told the informant that when he was working with Rajlaxmi Co-operative Credit Society, there was some fraud in the society for which Ramhari Gunjal and Sanjay Borchate were harassing him. He had also told the informant that both the Applicants had given him money to deposit it in the post office when the deceased was working there. But he had used that money for himself. Both the Applicants were harassing him by demanding that money. Yogesh had committed suicide on 10.04.2024 at about 5.00 p.m. by hanging himself in his room. On 11.04.2024, the police conducted panchnama of the spot where he had committed suicide. At that time, a suicide note was found. It was mentioned in the suicide note that there was some misappropriation in the credit society for which Ramhari Gunjal and Sanjay Borchate were harassing him. After that, he was

working in the post office where the present Applicants had opened their accounts and they used to give him Rs. 4000/- per month to deposit in their accounts. Till January 2024, they had given Rs.107000/-. But Yogesh had used that money for himself. Out of that, Rs. 39,000/- were deposited by Yogesh in the Applicants' accounts. The balance amount was Rs. 68,000/- which he had promised to pay to the Applicants. But they were not listening to him. They were putting pressure on him. It was further mentioned in the suicide note that the Applicants were constantly calling him. On one occasion, the Applicants had taken away his scooty from the school. It is also mentioned in the suicide note that the Applicants had told Yogesh either to pay the balance amount or that he should commit suicide. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the FIR and the suicide note themselves mention that the deceased had misappropriated the money given by the Applicants. The Applicants were demanding back their own money. That can never

be described as abetment to commit suicide. He submitted that it could not have been their intention that the deceased should commit suicide.

5. Learned APP opposed these submissions. She relied heavily on the FIR as well as on the suicide note found at the spot.

6. I have considered these submissions. The suicide note includes names of two other persons besides the present Applicants. Therefore, at this stage, it cannot be said that the Applicants were solely responsible for the suicide committed by the deceased. Even otherwise, at the highest the allegations against the Applicants are that they were demanding back their money. The suicide note mentions that the deceased had misappropriated the amount. The Applicants themselves were the victims at his hands. There is no definite material to show that the Applicants had taken away the scooter of the deceased. No complaint was lodged in that behalf. At this stage, sufficient doubt is created as to whether Section 306 r/w Sec. 107 of the I.P.C. is

applicable in these facts. In this view of the matter, the investigation may continue but the Applicants' custodial interrogation will not be necessary. The Applicants deserve protection under section 438 of Cr. P.C. Hence the following order.

**ORDER**

- (i) In the event of their arrest in connection with C.R No. 108 of 2024, registered at Alephata Police Station, Pune, the Applicants are directed to be released on bail on their executing P.R. 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 co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)