

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

CRIMINAL BAIL APPLICATION NO. 2329 OF 2024

Arjun Rajaram Avashetty	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Nitin Gaware Patil a/w. Shantanu Kolhe a/w. Shubham Wadne
for Applicant.

Mr. Vinit A. Kulkarni, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 31 JULY 2024**

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.803 of 2023 registered with Pune Railway Police Station, Pune, on 10.12.2023, under sections 306 r/w. 34 of the Indian Penal Code. The Applicant was arrested on 12.12.2023 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Nitin Gaware Patil, learned counsel for the applicant and Mr. Vinit Kulkarni, learned APP for the State.

3. The F.I.R. is lodged by one Lata Jain in respect of

suicide committed by her son Sumit. The applicant's family was residing in the vicinity of the informant and her son's house. On 13.11.2023 the officers of Samarth police station called Sumit for investigation. He had gone to the police station. The informant went there after some time. Sumit told her that the applicant's daughter had lodged an F.I.R. against him on the allegations that, in the night between 12.11.2023 to 13.11.2023 Sumit was bursting fire crackers. There was a quarrel between the applicant's daughter and Sumit. In that quarrel, allegedly, Sumit had abused her. According to the informant, a false complaint was lodged against Sumit. There were other boys from the locality who were bursting the crackers. But only because of the previous enmity, Sumit was falsely implicated. The F.I.R. mentions that the informant's brother in law, her nephew and Sumit were present in the police station, and the applicant and his other family members were threatening them in the police station. The police permitted Sumit to leave the police station and asked him to come back in the next morning. Sumit was disturbed. He made a video. He mentioned in that video that the applicant, his daughter and one

Rupesh were causing mental harassment to him. The false allegations were made against him. He was threatened. Because of all this, he was committing suicide and all of them should be sentenced to life imprisonment. After making that video, he posted it on a social networking group on the internet. After that, he left the house. He went missing. The informant lodged a complaint about his missing. He was not found for a few days. The prosecution case is that, he had committed suicide by jumping in front of a running train. His dead body was discovered on 19.11.2023. It was not claimed by anybody, therefore, the police had disposed it of. On these allegations, the F.I.R. was lodged. The F.I.R. further mentions that the informant had approached the police station after Sumit's dead body was discovered. After that, final rites were performed.

4. The F.I.R. also mentions that, apart from the complaint which the applicant's daughter had filed, there were other issues between Sumit and the applicant. In 2021, the applicant had formed a Co-operative Housing Society Limited by the name Jay Bhavani Co-Operative Housing Society Ltd. at SRA survey No.830,

Bhawani Peth. He proclaimed himself as the Chief Promoter and he acted as the Chairman of the society. Sumit was opposing those steps. Therefore, there was a dispute between the applicant and Sumit.

5. Learned counsel for the applicant submitted that the F.I.R. if taken at its face value does not make out any offence U/s.306 r/w. 107 of the I.P.C. There was no instigation or abetment as envisaged U/s.107 of the I.P.C. There was a history of dispute between Sumit and the applicant. As far as, SRA project dispute is concerned, it was from the year 2021 and, therefore, it was not a proximate cause for Sumit taking this extreme step. The other allegations about false complaint by the applicant's daughter are investigated by the police and, therefore, it cannot be said that it was a false complaint. He submitted that the investigation is already over and the charge-sheet is filed. The applicant's further custody in this background is not necessary.

6. Learned APP opposed these submissions. According to him, since Sumit was falsely implicated, he was highly disturbed

which led him to take this extreme step of committing suicide. The applicant is directly responsible for the deceased having taken that step. There are allegations that the applicant had threatened Sumit in the police station. These are the circumstances against the applicant.

7. I have considered these submissions. At this stage, there is some force in the submissions of the learned counsel for the applicant that the allegations against the applicant may not amount to abetment to commit suicide. However, this aspect will have to be decided finally during the trial. There is history of dispute between Sumit and the applicant which had started with the SRA project. Allegedly, the applicant was taking the control of that project. Sumit was opposing this. Apart from that, the F.I.R. mentions the main incident on the previous night, wherein, the deceased Sumit had allegedly abused the applicant's daughter. In that case, the applicant's daughter had taken recourse to approaching the police with her grievance. That matter is still being investigated. Therefore, at this stage, it cannot be recorded that those allegations were false. In the charge-sheet, there are

statements of Sumit's friends who were bursting fire crackers on that night. They have stated that the applicant's daughter had told Sumit not to burst the fire crackers. However, they have denied that, any such incident of quarrel had taken place. In any case, that would be the matter of investigation. There are statements of Sumit's cousin Gajanan and other relatives which are similar to the F.I.R. In this background, since the charge-sheet is already filed, further custody of the applicant will not serve any purpose. The applicant does not have any criminal antecedents.

8. Therefore, in my opinion, the applicant's further detention in custody as an undertrial prisoner is not necessary. The trial will take long time to commence and to conclude. Therefore, I am inclined to grant bail to the applicant.

9. It is made clear that, all these observations are made only for the purpose of deciding this bail application.

10. Hence, the following order :

ORDER

- i) In connection with C.R.No.803 of 2023 registered with Pune Railway Police Station, Pune, 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 Application is disposed of.

(SARANG V. KOTWAL, J.)