

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO. 1684 OF 2024**

|                                      |     |             |
|--------------------------------------|-----|-------------|
| Pravin s/o. Ganpat Lokhande          | ... | Applicant   |
| vs.                                  |     |             |
| The State of Maharashtra and another | ... | Respondents |

Mr. Mohit Khanna a/w. Mr. Pravin Patil for applicant.

Mr. Balraj B. Kulkarni, APP for respondent No.1-State.

Ms. Suvarna Gosavi, PSI, Police Station Hadapsar, District Pune City.

**CORAM : MANISH PITALE, J.  
DATE : 24<sup>th</sup> JUNE, 2024**

**P.C. :**

. Heard learned counsel for the applicant and the learned APP for the respondent No.1-State.

2. The applicant has filed this application apprehending arrest in connection with FIR No.0750 of 2024 dated 04.05.2024 registered at Police Station Hadapsar, District Pune City for offence under Section 306 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The applicant is one of the nine accused persons in the present case. He is the co-brother of the deceased i.e. the husband of the sister of the victim's wife. The applicant is a constable in the police department. The statement leading to registration of FIR was given by the brother of the deceased. The incident is said to have been taken place on 28.04.2024, while the FIR was registered on 04.05.2024.

4. The learned counsel for the applicant submits that there is a suicide note upon which the investigating authority is placing much reliance. It is submitted that in the suicide note, the applicant is named alongwith some other accused persons, including the wife of the deceased. It is submitted that even if the contents of the suicide note are to taken into consideration, at worst, an allegation of harassment could be levelled against the applicant. But, the same does not even *prima facie* constitute the ingredient of the offence under Section 306 of the IPC.

5. It is submitted that the tone and tenor of the suicide note clearly indicates the frustration of the deceased, due to the alleged extramarital affair of his wife. In that context, it is alleged that the applicant harassed the victim, which forced him to take the extreme step. It is further submitted that in the suicide note itself, the victim has stated that he was drunk, which is a factor required to be taken into consideration at this stage itself. It is alleged that the deceased was in the habit of drinking and that he used to harass his wife, for which reports of the concerning non-cognizable offences were registered against the deceased. The learned counsel for the applicant placed reliance on the judgment of the Supreme Court in the case of *Arnab Manoranjan Goswami vs. State of Maharashtra [(2021) 2 SCC 427]* in support of his submissions, emphasizing upon the ingredients of the offence under Section 306 of the IPC.

6. On the other hand, the learned APP for the State opposed the prayer made in the application. He specifically placed copy of the suicide note, as also the transcript of the video said to have been recorded by the deceased before taking the extreme step. It is submitted that the contents thereof clearly indicate active involvement of the applicant and hence, no case is

made out by the applicant for grant of anticipatory bail.

7. This Court has considered the material on record. The law as regards the ingredients of the offence under Section 306 of the IPC, has been discussed and deliberated upon by the Supreme Court in the aforementioned judgment in the case of **Arnab Manoranjan Goswami vs. State of Maharashtra** (*supra*). It is settled law that mere allegation of harassment against the accused, cannot constitute the ingredient of the offence under Section 306 of the IPC, unless it is demonstrated that such acts were undertaken with the intent of driving the victim to commit suicide. In any case, such ingredients must be at least *prima facie* found against the accused to reject such application for grant of anticipatory bail.

8. In the light of the said position of law, this Court has perused the material on record. A suicide note alleged to have been left behind by the deceased, does indeed name the applicant as one of the persons, who had harassed the victim. The thrust of the suicide note concerns the manner in which the deceased caught his wife red-handed in the act in the backdrop of the alleged extramarital affair. In the suicide note, there is a reference to the alleged incident dated 27.04.2024, whereby the deceased was called to Police Station Sahakarnagar and thereafter, he was allegedly beaten up by the PSI. The suicide note indeed records that even according to the deceased, he was drunk at the time of writing the suicide note.

9. The transcript of the video recording recovered during the course of investigation shows that the deceased was allegedly harassed at the hands of the applicant. It is stated therein that the applicant has recently joined the police force and he has been misusing his authority by assisting the wife of

the deceased, helping her financially, in order to gather material and evidence for obtaining divorce from the deceased.

10. Considering the nature of allegations made against the applicant, the worst case scenario can be that the victim was indeed carrying an impression that the applicant was misusing his joining the police force, assisting the wife of the deceased and thereby causing harassment to the deceased.

11. It is significant to note that the incident of 27.04.2024 i.e. a day before the date of the incident, concerns allegation against the PSI of Police Station Sahakarnagar about beating given to the deceased. The allegation is not even against the applicant before this Court. At this stage itself, a *prima facie* case is indeed made out by the applicant that even if all the allegations on the basis of the material available on record, are to be accepted for the sake of argument, it cannot be said that the applicant acted in the aforesaid manner with the intent of driving the victim to commit suicide. The applicant has indeed made out a *prima facie* case to claim that the ingredients of Section 306 of the IPC cannot be said to be made out against him.

12. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0750 of 2024 dated 04.05.2024 registered at Police Station Hadapsar, District Pune City for offence under Section 306 read with 34 of the IPC, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) and one or two sureties in the like amount;
- (ii) The applicant shall remain present before the Investigating Officer on 27.06.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present.

- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

13. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

14. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

15. The application stands disposed of.

**(MANISH PITALE, J)**

*Priya Kambli*