

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1867 OF 2024

Rohit Subhash Bhonde	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Ms. Pooja Agarwal (through VC) for Applicant.
Mr. Prasanna P. Malshe, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : JULY 19, 2024

P.C. :

. Heard Mr. Agarwal, learned counsel for the applicant and Mr.Malshe, learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0161 of 2024 dated 14.05.2024 registered at Khadak Police Station, District - Pune City, for offence under Section 306 of the Indian Penal Code, 1860 (IPC).

3. The informant is the wife / widow of the deceased and according to the statement, leading to registration of the FIR, the victim was driven to commit suicide because of the actions of the applicant, who is the sole accused person in the present case. The specific allegation in the statement of the informant is that the applicant pressurized the victim on account of return of money and that he sold out the hotel with which the victim was concerned and thereafter, he threatened that unless the amount was paid, the applicant would dispose of the house also so as to bring the victim on to the streets. It is alleged that the applicant indulged in cheating the husband of the informant, thereby driving him to commit suicide.

4. The learned counsel for the applicant submits that the statement regarding disposing of the hotel, on the face of it, is unsustainable in the light of copy of deed of partnership placed on record at exhibit-D. It is brought to the notice of this Court that the applicant and the deceased victim were partners in a partnership firm, which had taken a hotel premises on leave and licence. It was when the leave and licence amount was to be paid, that the applicant was constrained to pursue the victim for paying his share. It is submitted that in such circumstances, it cannot be said that the actions of the applicant were with the intention to induce or incite the victim to commit suicide. On this basis, it is submitted that the ingredients of the offence under Section 306 of the IPC are not made out.

5. The learned APP vehemently opposed the present application. He relied upon the statements of the informant, leading to registration of the FIR. He invited attention of this Court to the document at exhibit-C, which is in the form of an agreement executed between the applicant and the victim. It is submitted that the applicant left no stone unturned in harassing the victim in the backdrop of the financial distress, with the result that the victim was driven to commit suicide. The offence under Section 306 of the IPC, pertaining to abetment to commit suicide, necessarily requires the intention on the part of the accused to undertake such actions that would leave no alternative for the victim but to take the extreme step of committing suicide. The actions of the accused were such that soon before the extreme step was taken by the victim, the harassment reached a high and there was no alternative for the victim.

6. The learned APP informs this Court that further offences under Sections 323, 392, 504 and 506 of the IPC as also under Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014 have been added in the instant case.

7. In the present case, the material on record indicates that the applicant and the victim were partners in a partnership firm, which had taken certain hotel premises on leave and licence. Both were equal partners in the partnership firm and it appears that the business may have suffered. In that light, the applicant appears to have pursued the victim in order to ensure that the victim makes good his share towards liability of the firm. In such circumstances, merely because the applicant pursued the victim with regard to such financial distress, *prima facie*, it cannot be said that the actions of the applicant were to incite or instigate the victim to commit suicide. In any case, even according to the statement of the informant, the victim consumed poisonous substance on 27.04.2024 and he eventually expired after about 16 days, while undergoing treatment in the hospital. In such circumstances, the applicant has made out a *prima facie* case in his favour.

8. Accordingly, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0161 of 2024 dated 14.05.2024 registered at Khadak Police Station, District - Pune City, he shall be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount;
- B. The applicant shall appear before the investigating officer on 22.07.2024 between 10:00 a.m. and 1:00 p.m. and thereafter, as and when required, till filing of the charge-sheet. The applicant shall co-operate with the investigating officer during the course of investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab