

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

Anticipatory Bail Application No.2342 of 2024

Suresh Shamravji Chakre,
Indian Inhabitant, aged about 48 Years,
Occ: Supervisor, Residing at:
Room No.11, Shamrao Lelekar Chawl,
Turel Pakhadi, Road No.3, Liberty
Garden, Malad (West), Mumbai 400 064 ... Applicant
v/s

The State of Maharashtra
(At the instance of Sion Police Station
vide its C.R.No.251/2024) ... Respondent

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Mr Sanjiv Kadam, a/w Mr Anil Kapur, i/b Kunal Phoole, for the
Applicant.
Ms Supriya Kak, APP, for Respondent State.
PI Narayan Misal, Sion Police Station, Mumbai, is present.

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Coram : R.N. Laddha, J.

Date : 2 September 2024

P.C. :

Heard Mr Sanjeev Kadam, the learned Counsel appearing on
behalf of the applicant and Ms Supriya Kak, the Additional Public
Prosecutor representing the respondent/State.

2. This is an application filed by the applicant apprehending
arrest in CR No.251 of 2024, registered with Sion Police Station,

Mumbai, for the offence punishable under Sections 306 read with 34 of the Indian Penal Code.

3. The prosecution states that the informant is the wife of the deceased. It is alleged that Vishal Makwana owned a property, room No.12, building No.5-A, Jai Maharashtra Nagar, Borivali (East), Mumbai, which the deceased sold to Satish, receiving a consideration amount. The deceased paid Rs.12,50,000/- to Vishal Makwana, with the remaining amount pending due to outstanding MHADA dues. However, the applicant, a friend of Makwana, persistently demanded payment and threatened the deceased over the phone. On 10 June 2024, the applicant made a threatening call to the deceased, who, driven by frustration and harassment, consumed Boric acid powder, leading to his death on 15 June 2024.

4. Mr Sanjeev Kadam, the learned Counsel appearing on behalf of the applicant, submits that the applicant is falsely implicated in the present crime. He points out that the deceased received the alleged phone call on 10 June 2024 at 10:00 p.m., but the applicant had already consumed Boric acid powder before the call, rendering the alleged call of threat unrelated to the subsequent actions of the deceased. The FIR reveals that the deceased had promised to provide money the next day, suggesting that the alleged phone call did not prompt the suicidal act of the deceased. The learned Counsel submits

that the deceased was hospitalised for four days from 10 June 2024 to 13 June 2024, without any complaint filed from either Hospital. The FIR was lodged nearly forty days after the death of the deceased. Mr Kadam contends that the offence under Section 306 of the IPC does not apply to the applicant, as mere allegations of harassment are insufficient without specific actions directly leading to the suicide. The prosecution fails to establish a clear connection between the applicant's actions and the decision of the deceased to end his life. The investigation is almost complete, and nothing needs to be recovered or discovered from the applicant.

5. On the other hand, Ms Supriya Kak, the learned APP representing the State, submits that the veracity of allegations against the applicant would be considered only after a full fledged trial and no interference is warranted at this stage. The allegations in the FIR corroborate with the suicide note. The material placed on record demonstrates harassment by the applicant.

6. The records show that an FIR was filed on 22 July 2024, alleging that the applicant threatened the deceased, leading to the consumption of Boric acid powder. However, it appears that the deceased had already ingested the Boric acid powder before receiving the alleged phone call from the applicant. The applicant was hospitalised from June 10 to 13, 2024, and the deceased passed away on 15 June 2024.

There is no material on record, at this stage, to suggest that the death was directly caused by consuming Boric acid powder. Moreover, there seems to be no clear connection between the alleged threat and suicide, as the deceased had sufficient time to contemplate his actions. With nothing further to be recovered or discovered from the applicant, and the investigation nearing completion, the prosecution's apprehension about evidence tampering can be addressed by imposing appropriate conditions. In the circumstances, the application deserves to be allowed. Hence, the following order.

ORDER

- (i) In the event of the applicant's arrest in CR No.251 of 2024, registered with Sion Police Station, Mumbai, he shall be released on bail on executing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence, or influence the witnesses in any

manner.

7. The application stands disposed of accordingly.

8. It is made clear that the observations made herein are, *prima facie*, and trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

[R.N. Laddha, J.]