

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

Anticipatory Bail Application No.2656 of 2024

Ketan Gangji Savla
Adult, Indian Inhabitant
Aged about 55 years,
Occupation-Business
Having address at,
B/12, Janvikas CHS Ltd.,
Sunder Lane,
Opp. Balaji International School,
Orlem, Malad West Dely,
Mumbai-400 064

... Applicant

v/s.

1. The State of Maharashtra
2. The Senior Inspector of Police
Through Kandivali Police Station

... Respondents

With

Interim Application No.3934 of 2024

In

Anticipatory Bail Application No.2656 of 2024

Mamta Narendra Sonkar
Age about 37 years, Residign at,
62, Gate No.07, Nirankarnagar,
Akashwani,Malwani, Malad (W),
Mumbai – 400 095

... Intervener
/Orig. Complainant

In the matter between :

Ketan Karsan Sawla
R/o -10, Sahar Road, Mangalkunj,
Andheri (West), Mumbai.

Vs.

State of Maharashtra
Through Kandivali (West)

Police Station, Mumbai. ... Respondent.
v/s.

1. The State of Maharashtra
2. The Senior Inspector of Police
Through Kandivali Police Station ... Respondents

**With
Anticipatory Bail Application No.2657 of 2024**

Chirag Karsan Savla
Adult, Indian Inhabitant
Aged about 28 years,
Occupation-Business
Having address at,
Room No.10, Sahar Road,
Mangalkunj Society,
Andheri West, Mumbai ... Applicant
v/s.

1. The State of Maharashtra
2. The Senior Inspector of Police
Through Kandivali Police Station ... Respondents

**With
Interim Application No.3932 of 2024
In
Anticipatory Bail Application No.2657 of 2024**

Mamta Narendra Sonkar
Age about 37 years, Residing at, 62,
Gate No.07, Nirankarnagar, Akashwani,
Malwani, Malad (W),
Mumbai – 400 095 ... Intervener
/Orig. Complainant

In the matter between:

Chirag Karsan Sawla
R/o-10, Sahar Road, Mangalkunj,
Andheri (West)), Mumbai. ... Applicant

v/s.
The State of Maharashtra
Through Kandivali (West)
Police Station, Mumbai

... Respondents

....

Ms Ankita Bamboli, a/w. Ms Priya Mehta, for the Applicant in both ABAs.

Ms Supriya Kak, APP, for Respondent State.

Mr Rohit Mishra, for the Intervenor in both ABAs.

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Coram : R.N. Laddha, J.

Date : 7 October 2024.

P.C.:

Heard Ms Ankita Bamboli, the learned Counsel appearing on behalf of the applicant; Ms Supriya Kak, the learned Additional Public Prosecutor representing respondent/State, and Mr Rohit Mishra, the learned Counsel for the intervenor.

2. Apprehending arrest in connection with CR No.800 of 2024, registered with Kandivali police station, for the offences punishable under Sections 306, 504 and 506 read with Section 34 of the Indian Penal Code.

3. The FIR has been filed by Smt Mamta Sonkar, wife of Narendra Solkar. According to the FIR, it is alleged that the applicants failed to pay the deceased the amount due on a bill despite numerous requests. Furthermore, they are accused of verbally abusing and threatening the

deceased. The applicants made a false claim of Rs.25,00,000/- against the deceased. As a result of these actions, the deceased became extremely distressed and agitated, ultimately leading to his tragic decision to commit suicide. The deceased left behind a video message in which he named the applicants as being responsible for his distress.

4. Ms Ankita Bamboli, the learned Counsel for the applicants, asserts that the applicants have been falsely implicated in this case. In 2017, the applicant, Chirag, and the deceased started business transaction, where the applicant, Chirag, supplied raw materials to the deceased, who then produced pant-pieces from these raw materials and sent them back to the applicants. All transactions were documented with proper invoices and payments were made online. Since April 2023, the deceased began requesting advance payments from Chirag, citing business losses and the need for funds, with the assurance that these advances could be deducted from future bills. Consequently, Chirag advanced a total of Rs.11,87,214/- to the deceased. However, when Chirag asked for repayment, the deceased consistently provided excuses and eventually threatened to commit suicide if pressed further for money. Subsequently, avoiding Chirag, the deceased never repaid the amount. On 23 March 2024, Chirag filed a non-cognizable complaint at Kandivali Police Station against the deceased for his suicide threats and ceased all business dealings and contact with the deceased.

5. The learned Counsel further submits that the applicant, Ketan, is not involved in the daily operations and business of 'JJ 56' as he is not a partner. Ketan was unaware of the deceased and the alleged transaction with Chirag. He has been implicated in this crime solely due to a business transaction between the deceased and his brother, Chirag. Ketan has been cooperating with the investigating officer even before the FIR was lodged and has appeared whenever summoned.

6. Further, Ms Ankita Bamboli submits that the deceased committed suicide on 31 May 2024, and the NC lodged by the applicant, Chirag, on 23 March 2024. There is a significant delay of three months in lodging the FIR, which was filed on 31 August 2024. This delay suggests that the FIR was lodged after deliberations with the intent to implicate the applicants. Although the suicide occurred on 31 May 2024 between 1:15 p.m. and 1:45 p.m., as per the FIR, the suicide video was allegedly sent by the deceased to his friend, Shakeel Ansari, at about 2:07 p.m. via WhatsApp. Three videos were recovered from the deceased's friend's phone, but the FIR mentions only one. In the first video, the deceased stated he could not repay his debtors. In the second, he sent a message to his wife, and in the third, he blamed the applicants. The learned Counsel further submits that the investigating agency is already in possession of all relevant bank statements, ledger accounts, and tax invoices, which demonstrate that an amount of Rs.11,87,212/- was given to the deceased as an advance. It

is alleged that the applicants threatened the deceased but there was no complaint or civil proceedings initiated for non-payment of such a large amount. According to the learned Counsel, there is no *mens rea* and the essence of abetment under Section 107 is absent. The learned Counsel, in support of her arguments relied on i) **Shri Suryakant Pandurang Holmukhe & Ors. v. The State of Maharashtra & Anr.**, WP No.2835 of 2022 dated 31 August 2023; (ii) **Dhananjay s/o Sharad Rao Tawar & Anr. v. State of Maharashtra & Ors.** Cri.Application No.4040 of 2022 dated 8 March 2024; (iii) **Mangal Kashinath Dabhade & Anr. v. State of Maharashtra & Anr.** Cri. Revision Application No.285 of 2023 dt. 6 March 2024; (iv) **Arunarani R Poddar alias Mrs Arunarani K Jain v. State of Maharashtra & Anr.**, Cri.Application No.368 of 2024 dated 17 April 2024; (v) **Gajanan Santosh Shingane v. State of Maharashtra**, AIR OnLine 2024 Bom 462; (vi) **Nirupam Jaywant Joshi v. State of Maharashtra**, AIR OnLine 2023 Bom 1280; (vii) **Asha Madhukar Kurpe v. State of Maharashtra**, AIR OnLine 2021 Bom.1634; (viii) **Kailash Tulshiram Sakhare & Anr. v. State of Maharashtra, Through Police Station Officer, Jalamb, Buldhana.**

7. Ms Supriya Kak, the learned APP, representing respondent/State, and Mr Rohit Mishra, the learned Counsel for the first informant/intervener, jointly submit that the offence is of a grave nature and investigation is in progress. They highlight that the

applicants have been named in the video recorded by the deceased prior to his suicide, implicating them in abetting the act. The deceased had taken substantial loans from various finance companies to support his business operations and had supplied goods worth over Rs.1,46,00,000/- to the applicants. Despite this, the applicants failed to settle the outstanding dues owned to the deceased, which is a significant factor in the case.

8. In the present case, it prima facie appears that the applicants did not take any definitive action at the time of the incident that directly led to the deceased's tragic decision to end his life. There is no clear evidence indicating that the applicants indulged in conduct of such a compelling or oppressive nature as to leave the deceased with no viable alternative but to resort to the extreme measure of suicide. Under Section 306 of IPC, which deals with the abetment of suicide, the accused's culpability requires more than mere speculation or conjecture in absence of direct inducement or incitement. The abetment to commit suicide requires not merely the presence of circumstantial pressure but a direct and purposeful act of abetment or instigation. The documents such as tax invoices, bills and ledger books, placed on record by the applicant, Chirag, demonstrate that there were business transactions between him and the deceased. Additionally, two months before the suicide incident, Chirag had filed a non-cognizable report with the police, alleging that the deceased had threatened him to

commit suicide. The investigating agency already possesses all the business transaction documents related to the deceased. The investigation is almost over, and there is nothing left to be recovered from the applicants. The apprehension of the prosecution that applicants may tamper with the evidence or influence the witnesses can be addressed by imposing appropriate conditions. In the circumstances, the present application deserves to be allowed. Hence, the following order :

Order

(i) In the event of arrest, the applicants shall be released on bail in CR No.800 of 2024, registered with Kandivali Police Station, Mumbai, on executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall cooperate with the investigation and report to the concerned Police Station, as and when directed.

(iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence witnesses.

9. The application stands disposed of accordingly. As a sequel, the pending interim applications also stand disposed of.

[R.N. Laddha, J.]