

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

ANTICIPATORY BAIL APPLICATION NO. 3678 OF 2023

Shlok Mahendra Ahire ..Applicant
Versus
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO. 186 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 3678 OF 2023**

Manohar Onkar Mahale ..Intervenor.

In the matter between

Shlok Mahendra Ahire ..Applicant
Versus
The State of Maharashtra ..Respondent

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**WITH
ANTICIPATORY BAIL APPLICATION NO. 103 OF 2024**

Pankaj Balaji Aaghav ..Applicant
Versus
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO. 191 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 103 OF 2024**

Manohar Onkar Mahale ..Intervenor.

In the matter between

Pankaj Balaji Aaghav

..Applicant

Versus

The State of Maharashtra

..Respondent

.....

WITH

ANTICIPATORY BAIL APPLICATION NO. 3679 OF 2023

Sarthak Haridas Yadav

..Applicant

Versus

The State of Maharashtra

..Respondent

WITH

INTERIM APPLICATION NO. 188 OF 2024

IN

ANTICIPATORY BAIL APPLICATION NO. 3679 OF 2023

Manohar Onkar Mahale

..Intervenor.

In the matter between

Sarthak Haridas Yadav

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Kuldep S. Patil i/b. Saili N. Dhuru for Applicants in ABA/3678 & 3679 of 2023..

Mr. Sandeep D. Shinde a/w. Umesh S. Iyer a/w. Jitendra Jagtap for Applicant in ABA/103/24.

Mr. Hamzah L. Kazi a/w. Ammar Ilyas Nizami i/b. Zaid Kachawa for Intervenor in all IAs.

Mr. Swapnil V. Walve, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 4 JULY 2024

P.C. :

1. These three applications are decided by this common order today because they arise out of the same subject matter. The Applicants are seeking anticipatory bail in connection with C.R.No.295 of 2023 registered with Karjat Police Station, District Raigad, on 04.12.2023, under sections 306 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Kuldeep Patil, learned counsel for the applicants in A.B.A.No.3678 & 3679 of 2019, Mr. Sandeep Shinde, learned counsel for the Applicant in A.B.A.No.103 of 2024, Mr. Hamzah Kazi, learned counsel for the Intervenor and Mr. Swapnil Walve, learned APP for the State.

3. The F.I.R. is lodged by an unfortunate father of an unfortunate son regarding suicide committed by the son. The first informant has stated that the deceased was his younger son and he was taking medical education in a college at Chandhai, Taluka Karjat, District Raigad from 03.10.2023. The deceased was

residing in the college's hostel. On 01.12.2023, the deceased committed suicide by hanging himself in his room. The informant visited his room. He found a message before committing suicide recorded in his mobile phone. In that message there were allegations against all these three applicants. He had also written some sentences on his cupboard and table, wherein, he had mentioned that, he was mentally tortured by the applicants Sarthak and Shlok. They used to play with his emotions and used to hurt his feelings. The informant was convinced that, all the three applicants were responsible for the suicide of his son and, therefore, this F.I.R. was lodged.

4. Learned counsel for the applicants submitted that the deceased had named the applicants, but there are no specific instances mentioned in the note left behind him. The allegations are vague. Even if the allegations are taken on the face the offence of abetment to commit suicide is not made out. The deceased has not made any grievance to his friends or relatives or even to the college administration before committing suicide. Learned counsel further relied on the copies of the whatsapp messages exchanged

between the deceased and the applicant Shlok. Just a couple of months ago they had exchanged pleasantries and Diwali greetings. The chats show normal conversation and normal relations.

5. Learned APP, as well as, the learned counsel for the first informant submitted that the suicide note stored in the mobile phone of the deceased clearly names all the three applicants and even their roles are specified by him. He has mentioned that, all the three should be strictly dealt with. Therefore, it is a clear case of abetment to commit suicide. It is clearly indicated in the suicide note and, therefore, anticipatory bail should not be granted to them.

6. I have considered these submissions. The F.I.R. extracts some portion of the suicide note. In that portion, it is mentioned that the deceased was totally demotivated as the applicant Shlok had taken admission in his college. According to the deceased, he was the worst person he had met. The other two applicants were the friends of the applicant Shlok and they also used to mentally torture him at the instigation of the applicant Shlok. Apart from

this extracted portion from the suicide note, there are other statements in the note. In the first part of the suicide note, he had expressed regret for not performing well in the entrance examination. Because of the fault of the examiner he could not get good marks. It is also mentioned that, his friends used to tell him that he had not studied well in NEET and he had not even enjoyed good things in life, then it was a total waste. It is further mentioned that, his friends used to comment behind his back that he had not got admission on merits. He felt that the other students who had got admission in the college were like elephants and he felt like an ant before them. Because of all these things he was suffering mentally and felt harassed. He was not feeling confident looking in their eyes. After stating all these, he sought strict action against the applicants; especially against the applicant Shlok and Sarthak. Apart from this note, he had also written something on the cupboard and on the table wherein he repeated almost the same allegations. Thus, it can be seen that many things were on his mind and the cumulative effect of the same resulted in that extreme step which he had taken.

7. Learned APP produced the investigation papers before the Court. They contain statements of other students from the college. There are at least three such students. All of them have stated that they were the friends of the deceased, as well as the present applicants. But they had never seen the applicants causing mental harassment to the deceased, and that the deceased had never complained about them to these witnesses. Learned APP, on instructions, stated that the investigation is almost complete and the charge-sheet would be filed within two days. I have also perused the WhatsApp messages annexed to the A.B.A.No.3678 of 2023. I find force in the submissions of the learned counsel Shri. Kuldeep Patil that those messages show normal relationship. Thus, taking over all view of the matter, in my opinion, the applicants, who are young students, need protection U/s.438 of the Cr.P.C. 1973. Their custodial interrogation is not necessary. It is sufficient if they co-operate with the investigation.

8. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.295 of 2023 registered with Karjat Police Station, District Raigad, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- ii) The Applicants shall cooperate with the investigation.
- iii) The Application is disposed of.
- iv) With disposal of the main applications, all interim applications also disposed of.

(SARANG V. KOTWAL, J.)