

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3306 OF 2024

Sudhir Laxman Sakhare Applicant

VERSUS

State of Maharashtra & Anr. Respondents

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO. 93 OF 2025

Shubhangi Rohan Parkhi Applicant

VERSUS

State of Maharashtra Respondent

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO. 92 OF 2025

Surekha Sudhir Sakhare Applicant

VERSUS

State of Maharashtra Respondent

Mr. Shivprasad H. Salunke for the Applicants in all ABA.

Mr. Anand S. Shalgaonkar, A.P.P. for the State in all ABA.

Ms. Mansi Vivek Dande for the Respondent No.2 in all ABA.

Mr. D. A. Zol, PSI , Hinjewadi Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 21st FEBRUARY, 2025

P.C. :-

These three applications are filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 994 dated 1st September, 2024 registered with Hinjewadi Police Station, Pimpri Chinchwad, Pune for the offence punishable under Sections 108, 3(5), 64(2) (m), 352, 351(2) of the of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 5(l) and (6) of the Protection of Children from Sexual Offences Act, 2012 (POSCO Act) and Sections 3(1)(w)(i) (ii), 3(2)(v) and 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention Of Atrocities) Act, 1989.

2. The present three anticipatory bail applications are filed by the father, mother and the sister of the accused no.1 (Subodh Sudhir Sakhare). In the FIR, it is alleged that the daughter of the informant has committed suicide as she had love relationship with the accused no.1/Mr.Subodh Sakhare. The said accused

no.1/Mr.Subodh Sakhare is behind bars, as he was arrested by the police.

3. The charge-sheet, as far as Mr.Subodh Sakhare is concerned, has already been filed. Accused no.5 is the husband of the accused no.4 (Mrs.Shubhangi Parkhi). The said Mrs.Shubhangi Parkhi is the married sister of the accused no.1/Mr.Subodh Sakhare. The accused no.5 has ben granted regular bail by the Trial Court and the charge-sheet has been filed against him.

4. The present applicants are the father, mother and the married sister of the accused no.1/Mr.Subodh Sakhare. This Court by its order dated 10th December, 2024 had granted interim relief preventing an arrest of the present applicant no.1 and to be released on bail on furnishing P.R. of Rs.25,000/- subject to him remaining present before the IO on 13th December, 2024 between 10:00 a.m. and 12:00 noon.

5. The learned A.P.P. submits that the present applicant no.1 has not co-operated with the police and has not attended the police station on 13th December, 2024. Therefore, the interim relief granted by this Court by its order dated 10th December 2024 should not be continued and the present anticipatory bail application of the applicant no.1 should be rejected. He submits that the Investigating Officer is an Assistant Commissioner of Police.

6. On behalf of the applicants, it has been submitted that the applicant no.1 did visit the concerned police station on 13th December, 2024 between 10:00 a.m. to 12:00 noon at Hinjewadi Police Station. He attended the concerned police station and he has acknowledgment of the concerned police station. However, he was made to wait at the police station but he could not meet the Investigating Officer. He submits that the applicant no.1 has no role to play in the alleged suicide of the daughter of the informant.

7. He submits that the applicant no.1 who is the father of Mr.Subodh Sakhare, is suffering from chronic kidney ailments and he has to undergo dialysis twice a month. The applicant no.2 mother of Mr.Subodh Sakhare, is a lady who is homemaker. The applicant no.3 is the married sister of Mr.Subodh Sakhare who has to take care of her three year old child. The child would not be able to stay without his mother. The applicant no.1 had obeyed the order passed by this Court and had been to the concerned police station on 10th December, 2024. The applicant no.1 is ready to abide by the conditions again if he is called by the police subject on a day he is not having dialysis.

8. Learned counsel appearing for the informant submits that this Court should not show any kind of sympathy towards the applicants as the daughter of the informant has lost her life and the present applications needs to be rejected.

9. I have heard the learned counsel for both the sides, have gone through the documents including the FIR and the suicide

note and the order passed by this Court on 10th December, 2024.

10. The daughter of the informant at the time of alleged incident was less than 18 years, and at the time of her death when she committed suicide, she was 18 years and two months.

11. I have heard learned counsel for both the sides. The Co-ordinate Bench of this Court by an order dated 10th December, 2024 had granted protection to the applicant no.1. According to me, the applicant no.1 had complied with the directions given by the Court by an order dated 10th December, 2024. However, unfortunately the IO who was an ACP, was not available. Therefore, the applicant no.1 cannot be blamed for his statement not being recorded by the IO.

12. As far as the applicant nos. 2 and 3 are concerned, the Co-ordinate Bench of this Court by its order dated 23rd January, 2025 had granted protection without imposing the conditions of attending the police station. I am in agreement with the view

taken by the Co-ordinate Bench of this Court. Therefore, I am considering only the application of the applicant no.1, since there was no condition imposed on the applicant nos. 2 and 3.

13. The applicant no. 1 is the person suffering from chronic kidney ailment and he has to undergo dialysis twice a month. The applicant though is the father of Mr.Subodh Sakhare, is ready to comply with whatever conditions are imposed upon him. Hence, according to me suffice will be the purpose if the applicant no.1 (Mr.Subodh Sakhare) attends the office of the A.C.P. whose name and office details, has been handed over to the advocate for the applicant in Court.

13.1 The applicant no.1 will attend the office of the concerned A.C.P. on 27th February 2025 and 6th March 2025 between 11:00 a.m. to 1:00 p.m. and as and when called by the concerned ACP.

13.2 Accordingly, the interim order passed by this Court in Anticipatory Bail Application No. 3306 of 2024 on 10th December,

2024 is hereby confirmed. The said order for ease of reference is reproduced hereinbelow :-

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

2. In the present case, the applicant is apprehending arrest in connection with FIR No.0994 of 2024 dated 01.09.2024 registered with Hinjewadi Police Station, District - Pimpri Chinchwad, initially for offences under Sections 108 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS). Subsequently, upon completion of investigation, further offences under Sections 64(2)(m), 352 and 351(2) of the BNS, as also offences under Sections 4, 5(l) and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Sections 3(1)(w)(i)(ii), 3(2)(v) and 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC & ST Act) were added.

3. In the present case, there are five accused persons and the main accused person appears to be the son of the applicant, who is alleged to have been in relationship with the victim, a minor girl said to be belonging to the scheduled caste community. It appears that the relationship did not work out and the minor girl committed suicide by hanging. She has left suicide note, which is also part of the charge-sheet. The main accused person i.e. the son of the applicant has been arrested. This Court is informed that the son-in-law of the applicant is also arrested.

4. Since offences under the POCSO Act are also registered, notice will have to be issued to the

informant i.e. respondent No.2. But, in the meanwhile, the learned counsel for the applicant is pressing for interim relief.

5. This Court has perused the material on record, as also the suicide note, which forms the part of the charge-sheet. Prima facie, it appears that the thrust of the allegations made by the informant is against the son of the applicant, who was said to be in relationship with her. The Sessions Court, while rejecting the anticipatory bail application of the applicant, has observed that the applicant along with the other accused persons refused to solemnize the marriage of the son of the applicant with the victim, and that she and her parents were insulted in the name of their caste.

6. This Court is of the opinion that even if the said allegations are to be considered, prima facie, it appears a little far-fetched to reach the finding that such alleged acts on the part of the applicant instigated the victim to commit suicide or that such acts were undertaken by the applicant with the intention to drive the victim to commit suicide. Prima facie, a case is made out by the applicant in his favour and this Court is inclined to grant interim relief.

7. In view of the above, issue notice to the respondent No.2, returnable on 14.01.2025, High on Board.

8. Respondent No.2 shall be served through the investigating officer and for that purpose, the applicant shall provide an additional set of papers to the investigating officer within a week from today.

9. In the meanwhile, there shall be interim relief in

the following terms:-

A. Till the next date, in the event the applicant is arrested in connection with FIR No.0994 of 2024 dated 01.09.2024 registered with Hinjewadi Police Station, District – Pimpri Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;

B. The applicant shall remain present before the investigating officer on 13.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called. He shall co-operate with the 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.

10. In case any of the aforesaid conditions is violated, the present order would be liable to be cancelled.

13.3 The order dated 23rd January, 2025 passed in Anticipatory Bail Application No. 92 of 2025 and Anticipatory Bail Application No. 93 of 2025 also stand confirmed. For ease of reference, the said order is reproduced hereinbelow :-

. Heard Mr. Salunke, learned counsel for the applicants as also Mr. Patil and Mr. Naik, learned APPs for the respondent-State in both the applications.

2. At the outset, the learned counsel for the applicants seeks permission to amend the applications in order to add the victim as a party respondent since offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) are also registered in the present case.

3. Leave to amend is granted. The amendment shall be carried out forthwith.

4. The applicants, in these applications, are apprehending arrest in connection with FIR No.0994 of 2024 dated 01.09.2024 registered with Hinjewadi Police Station, District - Pimpri Chinchwad, initially for offences under Sections 108 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS). Subsequently, upon completion of investigation, further offences under Sections 64(2)(m), 352 and 351(2) of the BNS, as also offences under Sections 4, 5(l) and 6 of the POCSO Act and Sections 3(1)(w)(i)(ii), 3(2)(v) and 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC & ST Act) were added.

5. In the present case, there are five accused persons wherein the main accused person appears to be the son of the applicant in Anticipatory Bail Application No.92 of 2025. It is alleged that the said person was in a relationship with the victim i.e. a minor girl belonging to the scheduled caste community. It appears that the relationship did not work out and the minor girl committed suicide by hanging. She has left suicide note, which is also a part of the charge-sheet.

6. This Court is informed that the son of the applicant – Surekha Sudhir Sakhare was arrested. Her

son-in-law was also arrested. But subsequently, he has been released on regular bail.

7. Issue notice to the respondent No.2 in both the applications, returnable on 11.02.2025.

8. Respondent No.2 shall be served through the investigating officer and for that purpose, the applicants shall provide an additional set of papers to the investigating officer, within a week from today.

9. The learned counsel for the applicants submits that this Court has already granted interim relief to the co-accused person i.e. Sudhir Laxman Sakhare, being the husband of the applicant - Surekha Sudhir Sakhare and father of the applicant - Shubhangi Rohan Parkhi. The said application bearing Anticipatory Bail Application No.3306 of 2024 is kept for consideration on 11.02.2025.

10. While granting interim relief in favour of the said co-accused person, this Court had made the following observations:-

“5. This Court has perused the material on record, as also the suicide note, which forms the part of the charge-sheet. Prima facie, it appears that the thrust of the allegations made by the informant is against the son of the applicant, who was said to be in relationship with her. The Sessions Court, while rejecting the anticipatory bail application of the applicant, has observed that the applicant along with the other accused persons refused to solemnize the marriage of the son of the applicant with the victim, and that she and her parents were insulted in the name of their

caste.

6. This Court is of the opinion that even if the said allegations are to be considered, prima facie, it appears a little far-fetched to reach the finding that such alleged acts on the part of the applicant instigated the victim to commit suicide or that such acts were undertaken by the applicant with the intention to drive the victim to commit suicide. Prima facie, a case is made out by the applicant in his favour and this Court is inclined to grant interim relief.”

11. This Court is of the opinion that the aforementioned reasons can inure to the benefit of the present applicants also. Therefore, this Court is inclined to grant interim relief to these applicants till the next date of listing.

12. In view of the above, there shall be interim relief in the following terms:-

A. Till the next date, in the event the applicants are arrested in connection with FIR No.0994 of 2024 dated 01.09.2024 registered with Hinjewadi Police Station, District – Pimpri Chinchwad, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court;

B. The applicants shall co-operate with the investigation;

C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the

evidence.

13. In case any of the aforesaid conditions is violated, the present order would be liable to be cancelled.

14. List on 11.02.2025, to be tagged with Anticipatory Bail Application No.3306 of 2024.

14. Accordingly **all the anticipatory bail applications are disposed of.**

[RAJESH S. PATIL, J.]