

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1721 OF 2017

Sanjivkumar S. Punjabi

...Applicant.

vs.

The State of Maharashtra

...Respondent.

Mr.Aniket Nikam for the Applicant.

Mr.S.R.Agarkar, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 29th September, 2017

P.C.

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No.I-156-2017 dated 10.9.2017 registered with Sinnar Police Station, District Nashik under Sections 306 of the Indian Penal Code.

2. The first information report is lodged by Shri. Subhash B. Gaikwad-father of deceased Rahul. It is stated in the report that on 2.9.2017 between 12.30 to 1.00 a.m. when his son Rahul came at home, his clothes were torn and he was moaning. He also observed marks on his back and hands. When informant asked his son about the said injuries, deceased Rahul told him that on 1.9.2017 at about 6.30 p.m he had been to hotel Dattatraya situated at Sinnar Shirdi road for having meals and when the bill was received he observed that staff of the said

hotel has charged Rs.180/- extra for the item which was not taken by him. When he questioned to the Manager of the said hotel, the Manager assaulted him. Rahul therefore called his cousin brother Keshav who tried to pacify the said quarrel, at that time Manager of the said hotel gave a call to the owner of the said hotel i.e. the applicant herein. The applicant along with other two persons assaulted Rahul with sticks and by fist and kick blows mercilessly. It is stated that the applicant caught hold the head of the deceased below the vehicle and threatened him to kill. Deceased Rahul therefore told the said persons that he want to lodge complaint against them wherein the applicant put the deceased in his car and took him into Wavi Police Station. The Police Officer present there did not take any cognizance of him and asked Rahul to come at 10.00 a.m. on the next day to lodge the complaint. The first informant on 2.9.2017 woke up at 5.15 a.m. and noticed that his son has committed suicide in his room. In the premise, the first information report is lodged.

3. Perused the documents annexed to the application and the papers of investigation.

It clearly appears that the applicant and other accused persons on account of dispute of Rs.180/- which according to the deceased was charged extra for an item which was never served to him and mercilessly assaulted the deceased. It is unfortunate to note here that, the police from Wavi Police Station instead of taking appropriate action against the applicant did not take cognizance of the same. It

clearly appears to me that it is only because of the merciless beating by the applicant, deceased Rahul suffered humiliation in the eyes of the people at large on account of alleged deficit payment of a trifle amount of Rs.180/-, the police also did not take any cognizance for his grievance and due to which, ultimately out of frustration the deceased took the extreme step to end his life by committing suicide. It appears that it is only because of the applicant and the applicant alone the deceased had to end his life. The offence alleged as against the applicant is indubitably serious in nature and has caused loss of a human life on account of charging of extra amount of Rs.180/-and according to me the present crime requires thorough investigation at the hands of the police. The police are yet to trace out the other accused persons who took part in the merciless beating of the said Rahul and for the same, the custodial interrogation of the applicant is necessary.

4. In view of the above, I find that the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)