

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1602 OF 2015

Prashant Bhaskar Wagh

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. Joydeep Chatterji, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for Respondent – State.

.....

WITH

CRIMINAL APPLICATION NO. 1611 OF 2015

Arun Bhagwan Patil

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. Shrikant S. Patil, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for Respondent – State.

.....

WITH
CRIMINAL APPLICATION NO. 1512 OF 2015

Pradeep Bhaskar Wagh

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. Joydeep Chatterji, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 7th APRIL, 2015

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PER COURT :

1. These three applications for anticipatory bail can be disposed of by the present common order, since the applicants in these applications are claiming anticipatory bail and they are apprehending their arrest in connection with Crime No. 18/2015 for the offences punishable u/s 306, 384 read with 34 of the Indian Penal Code and u/s 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act [for short, 'Atrocities Act'] registered with police station Deopur, Dhule.

2. Heard Mr. Joydeep Chatterji and Mr. Shrikant S.

Patil, learned Counsel for the applicants and Mrs. V.A.Shinde, the learned Additional Public Prosecutor for respondent – State in all these three Criminal Applications. Learned A.P.P. vehemently opposed these three Criminal Applications.

3. Deceased is one Sukhlal, who committed suicide at his residential house in the intervening night between 12/02/2015 and 13/02/2015 by hanging. The First Information Report [for short, 'F.I.R.'] is lodged by his widow on 25/02/2015. According to the prosecution case, suicide note was found on the person of the deceased at the time when the police reached to the spot on 13/02/2015 and on the very same day the said chit was seized by the police. However, for the reasons best known to the police, the F.I.R. was not lodged on 13/02/2015 itself. The F.I.R. would reveal that on 24/02/2015 the said chit was shown to the first informant and on the basis of that, F.I.R. is lodged. According to the said suicidal note, deceased has written that the present applicants and Ravi, who is already released on anticipatory bail, have abused him on the name of caste. However, pertinent to note, what were the utterances are not mentioned in the said chit. Further, it is not mentioned in the said chit as to whether those utterances were made in the public view. Obviously, bar u/s 18 will not come against the present applicants.

4. According to the prosecution, the chit discloses that the applicant Pradeep Wagh is Laboratory Assistant and applicant Prashant Wagh is Chairman of the said Institution.

They took the resignation of the deceased forcibly. However, in the said chit it is not mentioned as to on what date the said resignation was taken. Further, from the F.I.R. it is clear that on the date of the incident, deceased was discharging his duties as teacher and he was not removed from Ekvira Devi Vidyalaya, Deopur.

5. In so far as applicant Arun Bhagwan Patil is concerned, he is working as Peon and the allegations in the said chit are that he has demanded Rs. 4,00,000/- [Rupees Four Lacs] from the deceased.

6. The contents of the so called suicide note does not constitute any offence, for which the applicants can be punished for the offence punishable u/s 306 of the Indian Penal Code. Further, from the suicide note and from the F.I.R. it is clear that there was no inducement on the part of the present applicants that deceased should commit suicide. In that view of the matter, the present three Criminal Applications can be allowed and the applicants can be protected by grant of anticipatory bail in their favour.

7. Hence, I pass the following order :

(i) The present three Criminal Applications are hereby allowed.

(ii) In the event of their arrest, in connection with Crime No. 18/2015 for the offences punishable u/s 306, 384 read with 34 of

the Indian Penal Code and u/s 3 (1) (x) of the Atrocities Act registered with police station Deopur, Dhule, applicant Prashant Bhaskar Wagh in Criminal Application No. 1602 of 2015, applicant Arun Bhagwan Patil in Criminal Application No. 1611 of 2015 and applicant Pradeep Bhaskar Wagh in Criminal Application No. 1512 of 2015 be released on anticipatory bail on they executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount by each of them.

(iii) With these observations, the present three Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]