

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

CRIMINAL APPLICATION NO. 1798 OF 2015

Sachin s/o Raosaheb Chikundre **.... APPLICANT**

V E R S U S

The State of Maharashtra & Anr. **.... RESPONDENTS**

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Mr. D.J.Choudhari, Advocate for Applicant.

Mr. A.V.Deshmukh, A.P.P. for R – 1 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 23rd APRIL, 2015

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PER COURT :

1. This is an application u/s 438 of Code of Criminal Procedure for grant of anticipatory bail, since the applicant is apprehending his arrest in connection with Crime No. 12/2015 registered at Killari police station, Tq. Ausa, Dist. Latur for the offence punishable u/s 306 read with 34 of the Indian Penal Code.

2. Heard Mr. D.J.Choudhari, learned counsel for the applicant and Mr. A.V.Deshmukh, learned A.P.P. for respondent No. 1 – State. Learned A.P.P. submitted, on the basis of the investigation papers available with him, that the

applicant has instigated deceased Ranjana to commit suicide by giving promise to her that he will marry Ranjana, however ultimately he did not marry with her.

3. F.I.R. is lodged on 30/01/2015. Offence is registered against present applicant and others for the offence punishable u/s 306 of the Indian Penal Code.

4. On 12/01/2015 Ranjana committed suicide by jumping herself into the well. Accident death proceedings vide A.D. No. 12/2015 were registered. In the said A.D. proceedings, statement of Latabai, mother of Ranjana was recorded, which is treated as F.I.R. It is dated 30/01/2015. F.I.R. shows that deceased was suffering from Psoriasis. Due to the said disease, she was unable to get herself suitable match for her matrimony. It is alleged that present applicant, who also works as Teacher in a school wherein Ranjana was discharging duties as Shikshan Sevak. Applicant made promise to Ranjana that he will marry with her. F.I.R. alleged that after giving such promise, present applicant established physical relations with Ranjana. However, subsequently, he turned around and refused to marry with Ranjana. According to learned A.P.P., due to the frustration, Ranjana was required to cut short her life.

5. There is no i'ota of evidence available in the investigation papers to suggest that applicant had established physical relations with deceased. It is bare and bald allegation made in the F.I.R. During the course of

investigation, Investigating Officer has seized suicide note written by deceased Ranjana. Said suicidal note is available in the investigation papers. Said suicidal note does not even have a reference in respect of present applicant. Nothing is alleged against present applicant. What is stated in the said suicidal note is the plight of the persons suffering from Psoriasis. Said suicidal note shows that earnest request and prayer is made by deceased to the Government that various facilities should be made available to the persons who are suffering from said disease. Statement of Suresh Pawar is also recorded. He is President of Kesharbai Vidyalaya, Karlo, Tq. Ausa, Dist. Latur, in which both the deceased and present applicant were working. His statement shows that the suicidal note was shown to him and on the basis of the available hand writing of deceased in the school, has stated that suicidal note is written by deceased herself.

6. Even assuming that proposal for marriage was placed before the deceased by present applicant, ultimately not materialized and if in the said frustration, as argued by learned A.P.P., deceased committed suicide, applicant can not be held responsible for ultimate act done by the deceased. In that view of the matter, custodial presence of the applicant is not at necessary.

7. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) In the event of arrest, in connection with Crime No. 12/2015 registered at Killari police station, Tq. Ausa, Dist. Latur for the offence punishable u/s 306 read with 34 of the Indian Penal Code, applicant Sachin s/o Raosaheb Chikundre be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.

(iii) The observations made in this order are purely for decision of the present Criminal Application and the learned Judge, who shall be ultimately deciding the matter, shall not be influenced by the said observations.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]