

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

CRIMINAL APPLICATION NO. 3199 OF 2015

Mansur Daulat Patel & Anr.

.... APPLICANTS

V E R S U S

The State of Maharashtra

.... RESPONDENT

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Mr. D.B.Thoke, Advocate for Applicants.

Mr. U.S.Mote, A.P.P. for Resp. – State.

Mr. K.N.Shermale, Advocate for first informant.

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CORAM : V.M.DESHPANDE, J.

DATE : 9th JULY, 2015

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PER COURT :

1. This is an application for grant of bail since the applicants are arrested in connection with Crime No. 131/2014 registered with Sangamner City police station, District Ahmednagar for the offence punishable u/s 306 read with 34 of the Indian Penal Code.

2. Heard Mr. D.B.Thoke, learned counsel for the applicants, Mr. U.S.Mote, learned A.P.P. for respondent – State and Mr. K.N.Shermale, learned counsel for the first informant in extenso.

3. F.I.R. is lodged by Sachin Bhika Raut, who is the brother of deceased Satish. Deceased belong to the legal profession and he was practicing at Sangamner Civil Courts and the Revenue Courts. According to the F.I.R., on 20/06/2014 deceased left his house for morning walk. First informant received phone call from Nivrutti Gopinath Raut that diary and the foot wear of the deceased are found near the well of one Adinath Dhamale. Therefore, first informant and his other relatives went near the said well just to notice the body of Satish floating in the said well. His foot wears and one diary was found near the said well. The diary contains the hand written material of the deceased. The said shows that the deceased has paid certain amount to Talathi Mr. Kharade. It is further written in the said suicide note that though the said amount is taken by Mr. Kharade and the present applicants, mutation is not being done. Therefore, the clients of the deceased have lost the confidence in him and, therefore, he has committed suicide.

4. Statement of one Mr. Soheli, Advocate is also available on record, which also substantiated the suicidal note.

5. Mr. K.N.Shermale, learned counsel for the first informant submitted that the present applicants should not be released on bail since they are influential persons and the police authorities are in fact hand-in-glove with the present applicants. He invited my attention to the orders passed by this Court in various proceedings.

6. The orders passed in various proceedings by this Court, as tried to point out by Mr. K.N.Shermale, learned counsel for the first informant, can not be considered while deciding the application filed on behalf of the present applicants u/s 439 of the Code of Criminal Procedure.

7. Present applicants are arrested on 18/04/2015. Since then they are languishing in jail. The investigation is already over. Charge sheet is filed before the Court of law. Entire case of the prosecution is based on the suicidal note as claimed by the prosecution which is part and parcel of the charge sheet and also one statement of Mr. Sohail, who is also Advocate. In that view of the matter, the applicants can be released on bail.

8. At this stage, learned counsel for the first informant submitted that stringent condition like the applicant shall not enter in Sangamner city be imposed. I am afraid that such condition can be imposed, especially when the entire case of the prosecution is based on the suicidal note. In that view of the matter, said prayer can not be considered.

9. Hence, I pass the following order.

(i) Present Criminal Application is hereby allowed.

(ii) Applicant No. 1 Mansur Daulat Patel and applicant No. 2 Sushil Chandrakant

Rashinkar be released on bail in connection with Crime No. 131/2014 registered with Sangamner City police station, District Ahmednagar for the offence punishable u/s 306 read with 34 of the Indian Penal Code on they executing P.R.Bond of Rs.25,000/- [Rupees Twenty Five Thousand] with two solvent sureties of like amount by each of them.

- (iii) Present applicant Nos. 1 and 2 shall attend Sangamner City police station once in a fortnight preferably on every Sunday between 3.00 – 5.00 p.m. till the charge is framed by the learned trial Court.
- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]