

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 4274 OF 2014

Ashok Shivaji Patil

....Applicant.

Versus

Ratan Pundlik Salunkhe and Ors.

....Respondents.

Mr. B.S. Deshmukh, Advocate for applicant.

Mr. D.B. Thoke, Advocate for respondent Nos. 1 to 4.

Mr. M.M. Nerlikar, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 9th March, 2015.

ORDER :

1. The application is filed under section 439 (2) of Cr.P.C. for cancellation of relief of anticipatory bail granted by the learned Additional Sessions Judge, Jalgaon. The relief is granted in a crime registered for the offence punishable under section 306 r/w. 34 of I.P.C.

2. The crime is registered on the basis of report given by Ashok Patil, brother of deceased. Deceased Yuvraj was doing business in partnership with the respondents. There was some dispute and for other reasons also, they decided to close the business and settle the accounts. Allegations are made that such decision was taken in September 2013. But, after that accounts were not settled and share of deceased was not given to him. Due to that the deceased was in depressed condition of mind.

Specific allegations are made that on 22.2.2014 the respondents called the deceased to the house of respondent Babanrao Jagtap and there, threats were given to him. On 24.2.2014 the deceased committed suicide by hanging himself in his house. He did not leave behind any suicide note.

3. In respect of the incident dated 24.2.2014 the crime was registered on 21.5.2014. The learned counsel for the applicant submitted that agitation was required to be done by the complainant's side for registration of the crime. In view of the nature of allegations and the statement of witnesses showing that the deceased had gone in the depression as he had sustained loss in the business, this Court holds that the learned Judge of the Sessions Court has not committed any error in granting relief. No suicide note is left behind by the deceased and the relatives of the deceased are now making allegations that the present respondents virtually deceived the deceased and due to that, he had gone in to depression. Cancellation of anticipatory bail is possible in only exceptional cases. This is not such exceptional case. The application is rejected.

[T.V. NALAWADE, J.]

ssc/