

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

CRIMINAL APPLICATION NO.4057 OF 2015

1. Anjana w/o Kalyan Mane,
Age 45 years, Occu. Household

2. Sagar s/o Kalyan Mane,
Age 22 years, Occu. Agri.,

Both R/o Kolwadi, Taluka Karjat,
District Ahmednagar
At present R/o Pimpri-Chinchwad
Pune

..Applicants

Versus

- The State of Maharashtra
through the Police Inspector,
Karjat Police Station, Taluka
Karjat, Dist. Ahmednagar

..Respondents

Mr R.R. Karpe, Advocate for applicants
Mr R.P. Phatke, A.P.P. for respondent – State
Mr N.B. Narwade, Advocate for complainant – assisting the
prosecution

CORAM : N.W. SAMBRE, J.

DATE : 20th August 2015

PER COURT

Heard Mr Karpe, learned Counsel for the applicants-accused, Mr Phatke, learned A.P.P. for respondent-State and Mr Narwade, learned Counsel for the complainant.

2. Upon complaint lodged by one Kalyan Lalji Mane against the present applicants, offence punishable under Sections 306, 323, 341 read with Section 34 of the Indian Penal Code came to be registered vide Crime No.142/2015 at Karjat Police Station, District Ahmednagar, wherein the allegations are that the present applicants have aided the suicide of real brother of complainant, namely Sukhdeo.

3. It is the case of the present applicants that the complainant is husband of the applicant No.1 and father of applicant No.2. In the complaint, it is alleged that the deceased Sukhdeo committed suicide on 22nd January 2015 by consuming poison before which he was assaulted by present applicants along with two others, who are real brothers of applicant No.1 and maternal uncles of applicant No.2. For the incident of 22nd January 2015, the complaint came to be lodged on 2nd June 2015, i.e. almost after more than five months, however, the learned A.P.P. has invited attention of this Court to the fact that the statement of the complainant and his mother were recorded on 8th February 2015 wherein the incident about handing over the suicidal note to the complainant by the deceased was very much narrated.

4. Learned Counsel for the applicants in the above background submits that there is no prima facie case. As the complainant is not in good terms with the applicants and there also exists dispute between the parties. The applicant, assisting the prosecution who happened to be wife of Sukhdeo was not living with him since last four years.

5. It is required to be noted here that though the incident is dated 22nd January 2015, however, the piece of evidence that is sought to be relied upon i.e. the chit written in handwriting of deceased Sukhdeo was located on 1st June 2015 and was submitted to the Investigating agency on 2nd June 2015. Apart from above, the said suicidal chit alleged to have been handed over by the deceased to the

complainant, as narrated in his deposition and so also in his mother's deposition dated 18th February 2015 before 22nd January 2015, upon perusal of the chit, which is produced before this Court, the attempt on the part of the present applicants prima facie cannot be inferred to be in aid to force Sukhdeo to commit suicide. This Court is also required to take note about differences in between complainant, accused and wife of deceased Sukhdeo.

6. In view thereof, in my opinion, it will be appropriate to protect the present applicants. As such, I propose to pass the following order:

(I) The applicants herein be released on bail in connection with Crime No.I-142/2015 registered at Karjat Police Station, Taluka Karjat, District Ahmednagar for the offence punishable under Sections 306, 341, 323 read with Section 34 of the Indian Penal Code, upon furnishing P.R. Bond of Rs.10,000/- (Rs. Ten thousand) each with one surety in like amount.

(ii) The applicants shall attend the Investigating Officer as and when called for.

7. The Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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