

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4581 OF 2014

Gangaram Baburao Gagare

APPLICANT

VERSUS

The State of Maharashtra & others

RESPONDENTS

.....

Mr. V S. Bedre, Advocate for the applicant

Mrs. B. B. Gunjal, APP for respondent State

Mrs. M. D. Thube-Mhase, Advocate for respondents No.2 to 6

.....

[CORAM : T.V.NALAWADE, J.]

DATE: 2nd MARCH, 2015

ORDER:

1. The application is filed for the relief of cancellation of anticipatory bail granted in favour of respondent-accused by learned Additional Sessions Judge, Ahmednagar in the crime registered for the offence punishable u/s 306 read with 34 of the Indian Penal Code. Learned counsel for the applicant is heard. The order made by learned Additional Sessions Judge is seen. On a query made by this Court, learned advocate for the applicant has shown some so called letters written by respondent No.4 to the present proceedings to the deceased.

2. Pravin (deceased) has committed suicide by hanging himself and he has left behind one suicide note. He has contended in the suicide note that he was in love with respondent No.4, but she has deceived him and the others, particularly, respondent No.2 had harassed him. In the suicide note, he has disclosed that respondent No.2 had given threats of life to him. The suicide note is shown to be dated 22nd March, 2013.

3. It appears that Division Bench of this Court gave directions to police to register crime in Criminal Writ Petition No. 287 of 2014 and after that crime came to be registered. It is the grievance of the applicant – father of the deceased that the police did not take cognizance of the matter and delay was caused in registering the crime. Learned counsel for the applicant submits that in spite of this circumstance, learned Additional Sessions Judge has observed that delay is caused in registering the offence. One more circumstance is considered by the learned Additional Sessions Judge like settlement of marriage of respondent No.4.

4. An attempt is made to submit that the deceased had love affair with respondent No.4, but she then back tracked and

refused to marry with him and thereafter there was trouble to the deceased from the family members of respondent No.4 also and due to that deceased went into depression and committed suicide.

5. in view of nature of material, which is quoted above, there was no need of custodial interrogation of the respondents, particularly respondent No.4. If any material is with the applicant, he may produce the same before the police and on that basis investigation can be conducted. For proving such offence of abatement, ingredients of offence punishable u/s 107 of the Indian Penal Code are required to be made out. Cancellation of bail can be granted in exceptional cases. In view of peculiar facts of the case, this Court holds that it is not desirable to interfere with the order made by learned Additional Sessions Judge. The application is, therefore, rejected.

[T.V.NALAWADE, J.]