

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

CRIMINAL APPLICATION NO.4886 OF 2015

1. Ramesh s/o Namdeo Patil,  
Age 54 years, Occu. Business  
R/o 3, Anika Park, in front of  
S.T. Worksop, Panchwati,  
Peth Road, Nashik
  2. Ajitsing s/o Ramesh Patil,  
Age 29 years, Occu. Business,  
R/o 3, Anika Park, in front of  
S.T. Worksop, Panchwati,  
Peth Road, Nashik
  3. Smt. Snehal w/o Manoj Patil,  
Age 27 years, Occu. Household,  
R/o 3, Anika Park, in front of  
S.T. Worksop, Panchwati,  
Peth Road, Nashik
- .. Applicants

Versus

1. The State of Maharashtra  
Through Jalgaon City Police Station,  
Jalgaon, Taluka and Dist. Jalgaon
  2. The Superintendent of Police,  
District Jalgaon
- .. Respondents

- with -

CRIMINAL APPLICATION NO.4878 OF 2015

1. Murlidhar s/o Kisan Patil,  
Age 64 years, Occu. Business,  
R/o Keshar Nagar, in front of  
Saibaba Mandir, Jamner road,  
Bhusaval, Taluka Bhusaval,  
District Jalgaon
- .. Applicant

Versus

1. The State of Maharashtra,  
through Jalgaon City Police  
Station, Jalgaon, Taluka and  
District Jalgaon
  2. The Superintendent of Police,  
District Jalgaon
- .. Respondents

Mr J.M. Murkute, Advocate for applicants  
Smt. M.S. Patni, A.P.P. for respondents

**CORAM : A.I.S. CHEEMA, J.**

**DATE : 23<sup>rd</sup> September 2015**

**PER COURT**

Heard.

2. Criminal Application No.4886 of 2015 has been filed by applicant No.3 - Snehal, who is wife of complainant Manoj. Applicant No.1 is her father and applicant No.2 is her brother.

3. It appears that complainant Manoj has filed first information report against his wife, her relatives and Murlidhar, who appears to be mediator of the marriage.

4. In substance, what is stated is that there were marital disputes between applicant No.3 Snehal and complainant Manoj and as applicant No.3 Snehal was not coming back to reside to the matrimonial home, father of complainant namely Nimba Patil committed suicide. He had consumed some poisonous substance early morning of 7<sup>th</sup> August 2015 and he died on 10<sup>th</sup> August 2015.

5. Learned Counsel for the applicants submits that if the first information report is perused, it refers to the claim of the complainant that applicant No.3 Snehal, after marriage resided hardly for three days with him and then she had gone away. It is stated that he came to Jalgaon and complainant, along with his wife i.e. applicant No.3

Snehal and mother of complainant went to reside at Dombivali. The applicant No.3 did not like that place and she again went off. The father tried to explain to applicants and they had insulted him and he was under stress.

6. Learned Counsel for the applicants states that the first information report shows that there were strained relations between the couple and the efforts to compromise did not succeed. Learned Counsel submits that first information report claims that there was meeting to reconcile but bad treatment was given. Subsequently, deceased Nimba, on 7<sup>th</sup> August 2015 in the early morning at about 6 to 10 am, when nobody was there consumed some poisonous substance and he was admitted to hospital. According to learned Counsel, although it is stated that Nimba consumed some poisonous substance and was admitted to the hospital on 7<sup>th</sup> August 2015, he died only on 10<sup>th</sup> August 2015 and the first information report came to be filed after another eight days i.e. on 19<sup>th</sup> August 2015 when it was claimed that suicide note was seized from the pocket of the deceased Nimba, blaming the applicants, as the persons who are responsible for making the life of Nimba miserable and thus, he committed suicide.

7. Learned Counsel submitted that the applicants are ready to co-operate with the prosecution for the investigation and they may be released on anticipatory bail.

8. Against this, learned A.P.P. relied on the suicide note to submit that the applicants had made the life of Nimbai miserable. The

applicant No.3 – Snehal wife of complainant Manoj had behaved in a manner, which brought stress to Nimba and because of which he committed suicide.

9. I have gone through the material available on record. Case papers have been perused. The first information report refers to the strained relations between the couple and it claims that the incidents in the life of the couple brought stress to the deceased Nimba and on 7<sup>th</sup> August 2015 in early morning when nobody was present, he consumed some poisonous substance at about 6 to 10 am. It appears that he was in hospital till 10<sup>th</sup> August 2015. The first information report claims that suicide note was found from the pocket of the father Nimba. First information report appears to have been filed on 19<sup>th</sup> August 2015. The learned Counsel for the applicants raised doubts as to how the suicide note came forward. Even if the whole suicide note is perused and the first information report is considered, it would be a matter of consideration whether offence under Section 306 of the Indian Penal Code is getting spelt out. Learned Counsel for the applicants submitted that on the date of the incident dated 7<sup>th</sup> August 2015, the applicants were at Nasik whereas the victim was at Jalgaon. The applicants were neither physically present nor there was any phone or other communication.

10. Keeping the above factors in view, it will be appropriate to grant anticipatory bail to the applicants.

ORDER

11. Both applications are allowed. It is directed that in the event of arrest of applicants in Crime No.122/2015 registered with City Police Station, Jalgaon under Section 306 read with Section 34 of the Indian Penal Code, the applicants shall be released on bail in the sum of Rs.20,000/- (Rs.Twenty thousand) each with one surety in the like amount with the following conditions :

(I) The applicant No.1 - Ramesh Namdeo Patil and applicant No.2, Ajitsing s/o Ramesh Patil in Criminal Application No.4886 of 2015 and applicant - Murlidhar Kisan Patil in Criminal Application No.4878 of 2015 shall make themselves available for interrogation by the investigating Officer as and when required. As far as applicant No.3 - Sow. Snehal wife of Manoj Patil in Criminal Application No.4886 of 2015 is concerned, being woman, she shall be called during day time only;

(II) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against them so as to dissuade them from disclosing such facts to the Court or the investigating Officer.

12. Criminal Applications stand disposed of accordingly.

**( A.I.S. CHEEMA, J.)**