

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 612 OF 2015

Dattoba Dinkar Bahirat	... Applicant
Vs.	
The State of Maharashtra	... Respondent

CRIMINAL APPLICATION NO. 311 OF 2015
IN
BAIL APPLICATION NO. 612 OF 2015

Popat Suresh Bahirat	... Intervenor
in the matter between	
Dattoba Dinkar Bahirat	... Applicant
Vs.	
The State of Maharashtra	... Respondent

BAIL APPLICATION NO. 613 OF 2015

Subhash Dinkar Bahirat & Ors.	... Applicants
Vs.	
The State of Maharashtra	... Respondent

CRIMINAL APPLICATION NO. 312 OF 2015
IN
BAIL APPLICATION NO. 613 OF 2015

Popat Suresh Bahirat	... Intervenor
in the matter between	
Subhash Dinkar Bahirat & Ors.	... Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. M.S. Mohite i/b. Mr. Nilesh M. Wable, Advocate for the applicants in both the matters.

Ms. Veera Shinde, APP for the State.

None for the applicant/intervener in APPP/311/2015 and APPP/312/2015.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 24, 2015**

P.C.:

Criminal Application nos. 311 of 2015 and 312 of 2015 filed by the original complainant for intervention are allowed.

2. Criminal Application nos. 612 of 2015 and 613 of 2015 are moved for bail, as the applicants/accused are facing charges under sections 306, 504, 506 r/w. 34 of the Indian Penal Code. One Popat Suresh Bahirat, son of the deceased has given the information to the police on 1st January, 2015, pursuant to which the C.R.No. 1 of 2015 was registered with Yewat City Police Station, District Pune.

3. It is the case of the prosecution that the applicants/accused, who are six in numbers, are the cousins of deceased Suresh Bahirat. There was dispute in respect of ancestral land between the accused persons, the complainant and his family members. Accused no. 1 Subhash Dinkar Bahirat and accused no. 4 Avinash Baban Bahirat have filed a Civil Suit which was pending in Civil Court, Daund. The matter was fixed on 31st December, 2014, at that time, deceased, complainant, his brother and applicants/accused all were present in the Civil Court. The matter was fixed on the next date, i.e. 1st January, 2015 and at that time, the applicant/accused Subhash and Avinash threatened Suresh Bahirat of his life. Suresh Bahirat was disabled and therefore they told that they would break his second leg and they would not give him land. Deceased Suresh

was scared due to this threats and he went in depression. Out of fear of the applicants/accused, Suresh Bahirat during the night time went to the field, consumed poison and committed suicide. The applicants/accused were arrested in this offence on the same day, i.e. 1st January, 2015 and since then they are in prison. Hence this Bail Application.

4. The learned counsel for the applicants/accused submitted that this is not a case under section 306. There is neither inducement nor instigation on the part of the applicants/accused to the deceased to commit suicide. The Civil Suit was pending between the parties in respect of the land. The learned counsel submitted that the applicants/accused are in prison since January, 2015.

5. Learned APP opposed the Bail Applications. She submitted that there are five suicide notes written by deceased Suresh wherein he has held the applicants/accused responsible for his suicide. Learned APP submitted that due to harassment and pressurize, the deceased has committed suicide.

6. Perused the FIR. Assuming the suicide notes are true, however, considering the contents in the FIR, *prima facie* it appears that the ingredients of abatement under section 107 are not found to constitute the offence under section 306 of the Indian Penal Code. Considering the period for which the applicants/accused are in the prison, I am inclined to

grant bail to the applicants/accused on the following terms and conditions:

ORDER

- (i) The applicants/accused shall be enlarged on bail upon furnishing P.R. Bond in a like amount of Rs.25,000/- each with one or two sureties in the like amount.
- (ii) The applicants shall not tamper with the evidence.
- (iii) The applicants shall not pressure or harass the complainant or his family members in any manner.
- (iv) The applicants shall make themselves available and attend all the Court dates.
- (v) The applicants/accused shall not abscond and shall furnish their address to the police along with address proof.
- (vi) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
- (vii) The applicants shall not leave India without the prior permission of the Court.

7. The Applications stand disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)