

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Criminal Application (ABA) No. 321 of 2015

(Manoj Wamanrao Bhagat Vs. State of Maharashtra through PSO,
Pandharkawada, District Yavatmal)

and

Criminal Application (ABA) No. 326 of 2015

(Suryakiran S/o Ganpatrao Bhagat Vs. State of Maharashtra through PSO,
Pandharkawada, District Yavatmal)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri T. S. Deshpande with Shri Mirza, Advocates for the applicant
in ABA 321/2015

Shri S. V. Sirpurkar, Advocate for the applicant in ABA 326/2015
Shri M. J. Khan, APP for the State/non-applicant

CORAM : P. B. VARALE, J.

DATE : 5-8-2015.

Heard learned counsel Shri T. S. Deshpande with Shri Mirza, learned counsel for the applicant Manoj Bhagat and Shri S. V. Sirpurkar, learned counsel for the applicant Suryakiran Bhagat in Criminal Application (ABA) Nos. 321 and 326 of 2015 respectively.

These applicants are before this Court seeking their pre-arrest bail in connection with Crime No. 148/2015 registered at Police Station, Pandharkawda for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

Perusal of the record shows that a dead body was found with a note. The note being treated as suicide note and the contents of the suicide note were that the present applicants who are working as

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Clerk and Talathi in the Tahsil Office, they kept the deceased deprived of the benefits granted by the Government under the assistance to the agriculture scheme. Initially, the matter was reported as an accidental death on 22-6-2015, that is, nearly after two weeks the son of the deceased lodged a report.

Learned counsel for the applicants submit that in the report itself, the son referred two various reasons for which his father was depressed. Learned counsel further submit that the deceased had also obtained loan from the credit societies and also obtained hand-loan from various relatives. The submission of learned counsel for the applicants is merely because vague reference is made in the so called suicide note that these applicants kept the deceased deprived from the Government benefits, no conclusion can be drawn that these applicants were responsible for the commission of suicide by the deceased. Learned counsel further submitted that the applicants are occupying the position as Clerk and Talathi respectively and they have to follow the official procedure and they are not the authorities to grant the benefits on their own but the powers lies with the superior officers and after complying the necessary procedural aspects, the applicants released the amount granted by the Government. Learned counsel further submit that the applicants are the Government servants and there cannot be any apprehension that they would flee away. Learned

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counsel further submit that they would be available for assisting the investigating agency as and when called.

Shri Khan, learned Additional Public Prosecutor opposes the applications and submits that there was delay in releasing the amount to the deceased.

Perusal of the report lodged at the instance of son clearly show that the father of the complainant i.e. deceased was subjected to two surgeries, namely, surgery for kidney ailment and hydrocele. The deceased was then subjected to physical ailment of slip and causing fracture to his hand. Report also stated that the deceased has obtained loan from the credit societies and his relatives and he was in a depressed mood as there was demand for return of the loan and the deceased was unable to repay the loan either of the credit society or of the relatives. The report stated about non receiving the benefits under the Government scheme. The reply filed by the State also show that the deceased was suffering from paralysis and obtained loan from the credit societies and the relatives. Considering all these aspects and in addition, there cannot be apprehension that the applicants would flee away, in my opinion, the learned counsel for the applicants have made out a case. The apprehension of the State can be taken care of by imposing certain conditions. Hence, interim protection granted on 6-7-2015 in

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Criminal Application (ABA) No. 321/15 and on 8-7-2015 in Criminal Application (ABA) No. 326/15 is confirmed with same conditions.

The criminal applications are disposed of in above terms.

JUDGE

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