

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

CRIMINAL APPLICATION NO.366 OF 2016

Nitin @ Bablu Nivrutti Mali,
Age 37 years, Occu. Member,
Municipal Council, Varangaon
and Agriculture, R/o Maliwada,
Varangaon, Taluka Bhusawal,
District Jalgaon

..Applicant

Versus

The State of Maharashtra,
through Police Inspector,
Jilha Peth Police Station, Jalgaon,
District Jalgaon

..Respondent

Mr Anand P. Bhandari, Advocate for applicant
Mr M.B. Bharaswadkar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 27th January 2016

PER COURT

Heard.

2. The applicant, a Councilor of Municipal Council, Varangaon is seeking pre-arrest bail in Crime No.138/2015 registered at Jilha Peth Police Station, District Jalgaon, for the offences punishable under Section 306 read with sec.34 of Indian Penal Code, for an alleged incident dated 18th November 2015.

3. The prosecution story against the applicant is that one Dr. Dinesh Patil has committed suicide on 19th November 2015, which was abetted by the present applicant.

4. Learned Counsel Mr Bhandari, while strenuously trying to make out a case for grant of pre-arrest bail would urge that there is unexplained delay of two days in lodging the F.I.R. He would then urge that looking to the nature of allegation as is narrated in the F.I.R., the applicant, a Councilor could hardly be connected to the incident in question, as his status as a Councilor has no connection with Zilla Parishad or with the death of deceased Dr.Dinesh. He would then urge that perusal of F.I.R. does not specify the requirement of ingredients under Section 306 of Indian Penal Code, as there is no instigation or any apprehension in the mind of applicant that Dinesh would commit suicide. According to him, no allegation of hatching conspiracy could be noticed from the F.I.R. and there is no suicidal note found on the site or otherwise. He would further urge that the applicant is falsely implicated in the crime in question and as such, his custodial interrogation is not necessary.

5. Learned A.P.P. opposed the application and has placed on record the investigation carried out till date.

6. Perused the investigation papers. It is required to be noted that a public servant, Doctor, who holds M.B.B.S. qualification committed suicide in view of the amount, as was sought to be extorted from him by Member of Zilla Parishad and the role attributed to the present applicant is that of the mediator who has bargained and settled the amount of extortion at the behest of Zilla Parishad member. The entire incidence of extortion, threat to the deceased Doctor was witnessed.

The applicant appears to be close friend of main accused who is Zilla Parishad member.

7. It is required to be noted that the entire incident was witnessed by one Doctor, who has in clear terms, attributed specific role to the present applicant.

8. In my opinion, since the investigation is at initial stage and there is prima facie evidence on record to connect the applicant to the crime in question, it will be inappropriate to order his release. As such, Criminal Application stands rejected.

9. The observations made herein are prima facie in nature.

(N.W. SAMBRE, J.)

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