

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1993 OF 2016

Prasad s/o Vinayakrao Kulkarni,
Age : Major, Occu. Service,
R/o Osmanabad, Taluka and
District Osmanabad

APPLICANT

VERSUS

The State of Maharashtra,
through the Police Inspector,
Police Station, Anandnagar,
Osmanabad, Tq. & Dist. Osmanabad

RESPONDENT

Mr. Pramod N. Muley, Advocate for the applicant
Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 12/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant who is apprehending his arrest at the hands of Anandnagar Police Station, District Osmanabad in Crime No. 06/2016, registered for the offences punishable under section 306 read with section 34 of the Indian Penal Code, is praying for his release on bail in the event of his arrest.

3. The complaint is filed by the wife of the deceased. The deceased was serving as a helper with Maharashtra State Road Transport Corporation (M.S.R.T.C.) at Osmanabad. The present applicant is the Assistant Superintendent in the concerned department. The deceased has committed suicide on 1st March, 2016. The complaint filed by his wife would show that three suicide notes were found at the spot i.e. in the bus of the M.S.R.T.C.

4. Perused the copies of the three separate suicide notes, submitted for perusal by the learned A.P.P. These three suicide notes are concerning three separate causes regarding three different set of persons like issue of borrowing of money, etc.

. So far as present applicant is concerned, the suicide note would show that the present applicant alongwith one lineman and one another official used to give mental trouble to the deceased and therefore, he has committed the suicide.

5. Learned counsel for the applicant submitted that in fact the applicant was not directly concerned

with the work of the deceased as can be seen from the suicide note as well as the complaint. One Mr. Berad was the chargeman and one Mr. Wanare was the chief mechanic and third one i.e. higher in rank is the present applicant. Learned counsel further submitted that as per the prosecution, the suicide is the cumulative effect of three different causes i.e. two of securing loan and one of mental illtreatment by the present applicant and his junior colleagues.

6. Learned A.P.P. while opposing the application submitted that the suicide note would show that the deceased has committed suicide due to mental illtreatment given by the present applicant.

7. Considering the statement made in the suicide note wherein it is merely stated that due to the mental illtreatment by the three officials, as detailed supra, the suicide was committed by the deceased and also two other suicide notes would show that as the deceased had borrowed the money from others, he was in financial bankruptcy, in my view, the custodial interrogation of the present applicant would not be required. Hence, the following order:-

8. In the event of arrest of the present applicant in Crime No. 06/2016, registered with Anandnagar Police Station, District Osmanabad for the offences punishable under section 306 read with section 34 of the Indian Penal Code, he shall be released on bail on his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

9. The applicant shall attend the investigating officer as and when reasonably called by him for the purpose of investigation/interrogation.

10. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln1993-2016