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

CRIMINAL APPLICATION NO. 2070 OF 2016

Nilesh Hanumant More ...Applicant

VERSUS

The State of Maharashtra & anr. ...Respondents

WITH

CRIMINAL APPLICATION NO. 2072 OF 2016

Yogesh s/o Shivanand Gujar and anr. ...Applicants

VERSUS

The State of Maharashtra & anr. ...Respondents

CRIMINAL APPLICATION NO. 2088 OF 2016

Nanasaheb s/o Nivrutti Gathal ...Applicant

VERSUS

The State of Maharashtra & anr. ...Respondents

CRIMINAL APPLICATION NO. 2099 OF 2016

Abdul Rehman Patel ...Applicant

VERSUS

The State of Maharashtra & anr. ...Respondents

CRIMINAL APPLICATION NO. 2115 OF 2016

Babasaheb s/o Dagadu Borse ...Applicant

VERSUS

The State of Maharashtra & anr. ...Respondents

AND

CRIMINAL APPLICATION NO. 2118 OF 2016

Shriram s/o Baliram Poul ...Applicant

VERSUS

The State of Maharashtra & anr. ...Respondents

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Shri V.V.Kabade, advocate for applicant in Application 2070 of 2016
Shri P.S.Paranjape, advocate for applicant in Application 2072 of 2016
Shri V.D.Salunke, advocate for applicant in Application 2088 of 2016
Shri R.S.Deshmukh, advocate for applicant in Application 2099 of 2016
Shri S.J.Salunke, advocate for applicant in Application 2115 of 2016
Shri Satej S. Jadhav, advocate for applicant in Application 2118 of 2016
Shri A.R.Borulkar, A.P.P. for respondent/State
Shri A.M.Gaikwad, advocate for complainant

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CORAM : INDIRA K.JAIN, J.
DATED : 28th April, 2016

O R D E R :

These applications for pre-arrest bail are preferred in Crime No. 57 of 2016, registered at Ambajogai City police station, District Beed for the offence punishable under Section 306 r/w 34 of the Indian Penal Code.

2] Heard the learned counsel for applicants and learned A.P.P. for respondent/State assisted by learned counsel for complainant. Perused papers of investigation.

3] Before adverting to merits it would be essential to know the status of applicants.

Criminal Application No. 2070 of 2016-Applicant is Deputy Superintendent of Police holding office as S.D.P.O. Ambajogai.

Criminal Application Nos. 2072 of 2016-Applicants are real brothers. Applicant No.1 is a Chemist and Applicant no.2 is a Medical Practitioner.

Criminal Application No. 2088 of 2016-Applicant is an Editor of Daily news paper Vivek Sindhu.

Criminal Application No. 2099 of 2016-Applicant is a Press Reporter at Ambajogai for Daily Punyanagari published from Aurangabad.

Criminal Application No. 2115 of 2016-Applicant is A.P.I. police station, Ambajogai City, District Beed.

Criminal Application No. 2118 of 2016-Applicant is Police Inspector, Ambajogai City police station.

4] Prosecution case which can be disclosed from investigation papers may be stated in brief as under.

(i) On 13.3.2015 police Naik Santosh Harischandra Chate along with Police Head Constable Gawade, attached to Ambajogai city police station was on night patrolling duty. At around 1.10 hours they saw a person hiding himself with intent to

commit theft. On being questioned the said person manhandled police Naik Santosh Chate, gave a slap on his right ear, abused and threatened him to life and also torn his uniform. Santosh Chate lodged report to police station against the said person.

(ii) According to prosecution, police officers who were attached to Ambajogai city police station at the relevant time initially refused to register offence on the report of Santosh Chate. The crime was registered after 11 hours.

(iii) Thereafter on 15.3.2015 representation was made by the association of Chemists and Druggists stating therein that accused was falsely implicated on the report lodged by Santosh Chate. The said representation was addressed to the Superintendent of Police who in turn directed the Deputy Superintendent of Police to make an inquiry. Applicant No.1-Yogesh Gujar in Criminal Application No.2072 of 2016 was a Chemist and he was intercepted by Santosh Chate on the night of 13.3.2015.

(iv) According to complainant, Deputy Superintendent of Police in the presence of the representatives of association called and humiliated Santosh Chate and gave him an understanding that

he should behave properly.

(v) Further it is stated in first information report that a Press Reporter and an Editor of the Daily news papers Punyanagari and Vivek Sindhu published incorrect news in the news papers on 15.3.2015 blaming police Naik Santosh Chate and alleging that he lodged false report. Since Santosh was being harassed by police officers and press reporters on 16.3.2016 at 10.00 a.m. he committed suicide. On the same day Swati Chate wife of deceased lodged complaint against the applicants making a grievance that applicants were responsible for commission of suicide by her husband.

5] On perusal of papers of investigation, it is apparent that some substance was found in the representation made by representatives of association so Deputy Superintendent of Police in the course of inquiry called police Naik Santosh Chate and gave him understanding to behave properly.

6] Prosecution is placing reliance on a suicide note left by the deceased, a photo copy of which was submitted by complainant at the time of lodging first information report. It can be seen from suicide note and also allegations in first information report that actions taken by police officers were apparently in discharge of their official duties. No element of mala fide is attributed either in the complaint or in the suicide note. So far as Press Reporter and Editor

are concerned, even if it is assumed that some incorrect news was published deceased had various options available to him instead of taking extreme step to put an end to his life.

7] In the above premise and upon considering the statements of witnesses, allegations in first information report, role attributed to each of the applicants, the nature of offence, and since custodial interrogation of applicants is not necessary, this Court finds that applicants would deserve protection. Hence the following order.

O R D E R

(i) Criminal Application Nos. 2070, 2072, 2088, 2099, 2115, and 2118 of 2016 are allowed.

(ii) In the event of arrest of applicants in Crime No. 57 of 2016, registered at Ambajogai City police station, District Beed for the offence punishable under Section 306 r/w 34 of the Indian Penal Code they shall be released on bail on P.R. and S.B. of Rs.15000/- each.

(iii) Applicants shall cooperate the investigating agency in further investigation/interrogation.

[INDIRA K.JAIN, J.]

dbm/crap2070.16