

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

CRIMINAL APPLICATION NO. 5780 OF 2015

Vilas s/o Motiram Darpe

...Applicant

VERSUS

The State of Maharashtra & anr.

...Respondents

.....
Shri S.J.Salunke, advocate for applicant
Shri S.D.Ghayal, A.P.P. for respondent no.1/State
Shri A.S.Bayas, advocate for respondent no.2
.....

CORAM : A.V.NIRGUDE

AND

INDIRA K.JAIN, JJ.

DATED : 25th February, 2016

ORDER :

1] The applicant is named accused in Crime No. 58 of 2015 registered with Pimpalner police station, District Beed for offence punishable under Section 306 of the Indian Penal Code on 26.7.2015. The complainant alleged in his complaint that his son Akshay received phone call on 25.7.2015 in the evening. His son after receipt of phone call left the place and on next day his dead body was found. Apparently his son Akshay had committed suicide. The complainant alleged that his son was threatened by the applicant. He also alleged that the threats were issued on phone. The complainant, however, did not know as to what happened to Akshay after he left him in the evening of 25.7.2015. After his son left, the complainant could not contact him even on phone because

his son's phone was switched off. No one probably stated so far as to what happened to Akshay after he left the complainant during that evening. What happened to him thereafter and how he went to the spot where his dead body was found ultimately is not clear so far. This could be a case of homicide. The police might investigate the case properly. They should first obtain medical opinion as to whether Akshay died because of suicidal hanging or otherwise. All these things are required to be gone into, but by no stretch of imagination, this can be a case of offence under Section 306 of the Indian Penal Code.

2] The application is allowed. Case against the applicant is quashed.

[INDIRA K.JAIN, J.]

[A.V.NIRGUDE, J.]

dbm/crap5780.15