

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1331 OF 2016

1) Eknath Deoba Nikam
2) Ganesh Eknath Nikam

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Tushar N. Sonawane Advocate for Applicant.
Mr. Prashant Jadhav APP for the State.
Mr. V. J. Jadhav, P.S.I. Kalwan Police Station,
Nashik.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : AUGUST 25, 2016.

PC :

- 1) Heard. This is an application under section 438 of the Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 50 of 2016 registered at Kalwan Police Station for offences punishable under section, 306, 323, 504, 506 r/w 34 of the Indian Penal Code.
- 2) It is the case of the prosecution that Sanjay Ahire had committed suicide by hanging on 02/06/2016. That A.D. No. 12 of 2016 was registered under Section 174 of the Code of Criminal Procedure, 1973 at Kalwan Police

Station. The chit was found in the pocket of the deceased which indicated that present Applicants and the other co-accused had abetted his commission of suicide. There was a property dispute between them. The deceased had made allegations against his father, brother, sister-in-law, the elder sister, younger sister Nirmala as well as present Applicants who happen to be husband and son of Nirmala respectively. It is also alleged in the F.I.R. that they had all threatened him of dire consequences and had also apprised him of the fact that he would be deprived of the ancestral property. He had stated that the 10 persons named in the chit are responsible for his suicidal death.

3) On 03/06/2016, the wife of the deceased namely Tarabai lodged a report at the police station alleging therein that her husband was being harassed by the present Applicants and the co-accused as there was a dispute in respect of partition and possession of the ancestral property. In fact, the present Applicants are resident of Thane whereas the deceased was residing at Wakhari, Tal. Deola, Dist. Nashik. It is true that wife of Applicant no. 1 happens to be the sister of the deceased and the deceased has implicated all the relatives in the said chit.

4) Perused the papers. Papers of investigation do not reveal that the

present Applicants have, in any manner, abetted, instigated or facilitated the commission of suicide by Sanjay Ahire. It appears to be the dispute between the close relatives and the same cannot be said to be instigation to commit suicide. Applicants are therefore, are entitled to grant of anticipatory bail. It is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, Applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount.
- (iii) Applicants shall report to the concerned police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)