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

Criminal Application [ABA] No.548 of 2016

(Basantkumar s/o Girdhardas Mohta
vs.
The State of Maharashtra, through P.S.O. Ballarsha, District Chandrapur)

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Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Shri Anil Mardikar, Senior Advocate with Shri S.K. Bhoyar, Advocate for the Applicant.
Shri A.M. Deshpande, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 16th SEPTEMBER, 2016.

Heard the learned Senior Counsel for the applicant and the learned A.P.P. for the State.

On perusal of the alleged suicide note dated 03/08/2016, a doubt arises as to whether or not there has been any intentional instigation as contemplated under the law on the part of the applicant. This can be seen from the order of learned Additional Sessions Judge, which notes that there is also another statement of the deceased recorded on 07/08/2016, about four days after the alleged suicide note, in which the deceased stated that as he was not in a position to perform his work within time due to stressful condition, he consumed poison on 06/08/2016, perhaps made him himself only. This would also indicate that *prima facie* the alleged suicide note dated 03/08/3016 by itself, cannot be considered

as a statement under Section 32 of the Indian Evidence Act.

In view of above, I find that this a fit case for grant of anticipatory bail. Hence, the order.

The application is allowed. The interim anticipatory bail granted to the applicant on 22/08/2016 is hereby confirmed on the same conditions.

The application is disposed of as such.

JUDGE

**sdw*

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 19/09/2016