

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

Criminal Application No. 01602 of 2017

District : Osmanabad

Chandrakant Narayan Lokare,
Age : 53 years,
Occupation : Service,
Presently working as Village
Development Officer,
R/o. Nimboni Bagh,
Zenda Chowk, Tambri Vibhag,
Osmanabad,
Taluka & District Osmanabad. .. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Bembali,
Taluka & Dist. Osmanabad. .. Non-applicant.

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Mr. Abhijit S. More, Advocate, for the applicant.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the non-applicant.*

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With

Criminal Application No. 01678 of 2017

District : Osmanabad

Rajkumar s/o. Gangadhar Singare,
Age : 53 years,
Occupation : Service,
R/o. Office Quarters,
Panchayat Samiti - Tuljapur,
Taluka Tuljapur,
District Osmanabad. .. Applicant.

versus

The State of Maharashtra,
Through Bembali Police Station,
Dist. Osmanabad,
in Crime No. 33/2017.

.. Non-applicant.

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Mr. Sachin S. Panale, Advocate, for the applicant.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the non-applicant.*

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CORAM : T.V. NALWADE, J.

DATE : 30TH MARCH 2017

ORAL ORDER :

By the present applications, the applicants are seeking pre-arrest bail in connection with Crime No. 033/2017 registered with Bembali Police Station, District Osmanabad, for offence punishable under Section 306, read with Section 34 of the Indian Penal Code.

02. Heard both the sides. Perused the papers of investigation which are made available by the learned Addl. Public Prosecutor for perusal of the Court.

03. The crime is registered on the basis of report given by one Siddhanath s/o. Ashok Kale, who is son of the deceased. Ashok was working as Junior Assistant with Panchayat Samiti, Tuljapur. In the

night between 20.02.2017 and 21.02.2017, the deceased left home when he was on underwear, banian, towel and shawl, and after that, he did not return to home. Search was made and missing report was also given on 24.02.2017. Ultimately, on 04.03.2017, dead body of the deceased was found in a field and the dead body was virtually in decomposed condition. Contention is made in the FIR, that prior to finding of the dead body, two chits were found in the pocket of pant of the deceased and that was on 27.01.2017. However, the report came to be given on 05.03.2017 in Bembli Police Station for offence punishable under Section 306 read with Section 34 of the IPC. As the names of the two applicants are mentioned in the so called suicide note, they are apprehending their arrest in the present crime.

04. Copy of the suicide note is shown to this Court and it shows that the deceased was feeling harassed due to present two applicants who were his superior officers. The reason for harassment is not mentioned in the so called suicide note. Learned Addl. Public Prosecutor submitted that the suicide note is sent to the handwriting expert with admitted handwriting of the deceased and report in that regard is awaited.

05. In view of the aforesaid circumstances, this Court holds that the protection needs to be given to the present applicants. Only because they are the

superior officers and the deceased was feeling harassed, it cannot be said that the present applicants had created some atmosphere to drive the deceased to commit suicide. There is some record with the applicants to show that one file was missing and there was dispute of some persons from Hindu community as their cremation ground was destroyed. The deceased was asked to immediately trace out the file and it was submitted that the same could be a ground for the incident. Even if it is presumed that there was such a ground, this Court holds that the applicants are entitled for pre-arrest bail.

06. In the result, both Applications are allowed.

Ad interim pre-arrest bail granted to the applicant in Criminal Application No. 1602 of 2017, by order dated 27th March 2017, is confirmed. So also, ad interim pre-arrest bail granted to the applicant in Criminal Application No. 1678 of 2017, by order dated 30th March 2017, is confirmed.

(T.V. Nalawade)
JUDGE

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