

Sarnobat

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.596 OF 2018

Samadhan Vilas Thorat & another	..Applicants
Vs.	
The State of Maharashtra	..Respondent.

Mr.Satyavrat Joshi alongwith Mr.Nitesh Mohite i/by Mr.Jaydeep D.Mane, for the applicant.
Mr.S.H. Yadav, APP for the State.
Mr.B.K.Bhavar, Constable, Temburni Police Station, Solapur (Gramin).

CORAM : P. N. DESHMUKH, J.

DATE : 11TH APRIL, 2018.

P. C. :

1. Heard learned counsel for applicants and learned APP. Perused the case diary. This is an application for anticipatory bail in crime No. 95/2018 registered with Tembhurni Police Station for the offence punishable under Section 306, 323, 506 r.w. 34 of I.P.C. Applicants are protected by interim order dated 27th March, 2018.
2. Learned counsel for applicants submit that according to case of prosecution as reveals from report deceased committed suicide by setting himself on fire. However, even if the report as aforesaid accepted as it is, merely because applicant ill-treated deceased as aforesaid, cannot be sufficient to establish any instigation or abetment

on the part of applicants to deceased to commit suicide and has therefore, submitted that application be allowed.

3. Learned APP submitted that from the statement of father of the deceased and other witnesses, it is established that on the day of deceased committing suicide, applicants had visited him for payment as compensation for the damages caused to their vehicle and for above reason, deceased committed suicide and has thus, contended that as there is prima facie material against the applicants, application be rejected.

4. This Court while granting interim protection to applicants had observed that lodging of report dated 4th March, 2018 by father of the deceased, on the basis of which crime No. 95/2018 is registered against the applicants is outcome of NC registered by applicants against deceased on the previous night at 11.00 pm when deceased had damaged applicants' vehicle Scorpio and broke its glass by pelting stone. Above fact is further found substantiated from the statement of witnesses as well as from the NC report on record. In view of above proved facts, meeting of applicants with deceased and their demand on the face of it does not appears to be convincing nor this meeting by itself does not establish that applicants abetted commission of suicide more particularly when in neither of the statements of witnesses it is stated that applicants had abetted the act, except for stating that

applicants had demanded damages as aforesaid. In that view of the matter, case of applicants appears to be more probable of their false implication in view of NC registered by them against the deceased.

5. Having considering facts as aforesaid and since from the report it is also noted that the deceased used to be under depression as his wife was not residing with him, the application is liable to be allowed as per order below;

ORDER

(i) Order dated 27th March, 2018 stands confirmed on same terms and conditions with direction to applicants to report investigating officer if called till filing of charge-sheet.

[P. N. DESHMUKH , J.]