

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

BAIL APPLICATION NO. 2890 OF 2017

Sharanayya s/o Gurumurti Swami. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Ritesh Thobde a/w. Mr. Sagar Tambe, advocate for Applicant.

Mr. N.B. Patil, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 2, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 5/9/2017 in Crime No. 386 of 2017 registered at Akkalkot North Police Station, Solapur. Investigation is completed and charge-sheet is filed on 7/11/2017 for offence punishable under section 306, 323, 506 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 5/9/2017 one Arjun Banne, resident of Chapalgaonwadi lodged a report in the police station alleging therein that the present applicant used to tease his son Pravin and used to call him as “Khobari”. His son was annoyed with the same. He had abused the applicant. The applicant had informed his son Revayya about the same. That Revayya had threatened of dire consequences on 26/8/2017. On 27/8/2017 Revayya had raised quarrel with Pravin and assaulted him with fists and blows. The matter was referred to village panchayat dispute resolution committee(Tantamukti committee). The dispute was purportedly resolved. The applicant was asked to pay cost to Pravin. When Revayya had assaulted Pravin, he had sustained grievous injuries to his ear-drums and he was to be treated by ENT specialist. Pravin had fainted in the hospital itself. On 29/8/2017 Pravin had left house for attending college. However, he had not returned home. He had in fact committed suicide by hanging in the agricultural land.

4 The learned Counsel for the applicant submits that in fact, it was Revayya who had slapped. The deceased was hurt hence he had difficulty in hearing. The dispute was resolved before the village panchayat. It cannot be said that the applicant herein had abetted, instigated or facilitated commission of suicide.

5 It is pertinent to note that In fact, the deceased had sustained injury at the hands of Revayya. He has been shown as accused No. 1. However, he has not been arrested for the reasons best known to the investigating agency. The learned Counsel for applicant has no knowledge as to whether he has been protected by way of pre-arrest bail. In the above mentioned facts, the applicant deserves to be enlarged on bail.

6 However, it is made clear that the observations made hereinabove are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the trial court shall not be

influenced by the same for the purpose of quashing of FIR or discharge application or at the time of trial.

7 Hence, following order is passed:

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- and one or more sureties in the like amount in the like amount.
- (iii) The applicant shall not tamper with the evidence.

The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)