

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

ANTICIPATORY BAIL APPLICATION NO.1260 OF 2019

Rajendra Mohan Pawar	 Applicant
versus	
The State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1125 OF 2019**

Hiraman Govind Chaudhari	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.Swapnil V. Walve, Advocate for Applicant in ABA No.1260/19.
- Ms.Avanti Inamdar i/b. Mr.Rameshwar N. Gite, Advocate for Applicant in ABA No.1125/19.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- PSI Mr.Yogesh Shivaji Shinde, Dindori Police Station, Nashik, present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 09th SEPTEMBER, 2019**

P.C. :

1. Both these applications are decided by this common order because they arise out of the same offence.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.I-84/19 registered with Dindori Police Station, Nashik, under sections 306 r/w 34 of the Indian Penal Code.
3. The FIR is lodged on 17/04/2019 by one Vanita Vijay Kadam for commission of suicide by her husband Vijay Kadam. It is mentioned in the FIR that the deceased had taken work of building toilets for different Gram Panchayats. It is her case that the deceased had told the informant that he was not getting payment for the work he had done at Surgana and when he asked for his money, he was threatened. According to her, the Gram Panchayats Malgavhan and Shinde Digar were not making payment to the deceased. On 14/04/2019 the informant's husband committed suicide by hanging himself to a tree. A suicide note was found under the tree, wherein it was mentioned that he was a contractor for Malgavhan and Shinde Digar Gram Panchayat. Malgavhan Gram Panchayat had not paid Rs.1,20,000/- and Shinde Digar Gram Panchayat had not

paid Rs.5,25,000/-. This amount was due and payable to him. The suicide note further mentions that the Applicant Rajendra Pawar and the Applicant Hiranman Chaudhari (described as 'Chaudhari'), were instrumental in such non-payment. The FIR also contains one more name i.e. Prakash Madhav Thavil, who was allegedly threatening the deceased.

4. Heard learned Counsel Mr.Swapnil V. Walve and Ms.Avanti Inamdar for the Applicants and learned APP Ms.A.A. Takalkar for the State.
5. Learned Counsel for the Applicant Hiranman Chaudhari submitted that the Applicant was a Gram Sevak and he could not break rules to make the payment to the deceased. Learned Counsel for the Applicant Rajendra submitted that the Applicant Rajendra Pawar had supplied material and was demanding his dues and that he has not committed any offence.
6. Learned APP submitted that the suicide note blames these Applicants. However, he concedes that the payment of

Rs.5,40,000/- was paid to the deceased in the year 2018 itself.

7. I have considered all these aspects. I have perused the investigation papers. There is nothing in the investigation papers to show that the deceased had demanded his dues from the Gram Panchayats and that the Gram Panchayats were refusing to make payment. Learned APP pointed out that there was a Resolution awarding contract to the deceased.
8. Thus, at this stage, it is difficult to fix any liability on either of these Applicants for the financial difficulties faced by the deceased. As rightly submitted, the Gram Sevak Chaudhari had a limited role to play, and that he had acted within the rules.
9. The exact role of the Applicant Rajendra Pawar is not clarified except the allegations that he was harassing the Applicant. At this stage, it is difficult to observe that offence of abetment to commit suicide as required u/s 306 and 107 of the Indian Penal Code is made out.

10. Hence, custodial interrogation of the Applicants is not necessary. Though, they will have to attend the concerned police station and will have to co-operate with the investigation. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.I-84/19 registered with Dindori Police Station, Nashik, the Applicants are directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The applicants shall attend the concerned police station as and when called.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)