

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

CRIMINAL APPLICATION (ABA) NO.614/2019

Vinit s/o Diliprao Tayade and Anr. Vs. State of Maharashtra, through PSO
P.S. Jaripatka, Nagpur.

WITH

CRIMINAL APPLICATION (ABA) NO.618/2019

Vardhraj s/o Balraj Pilley Vs. State of Maharashtra, through PSO P.S.
Jaripatka, Nagpur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R.D. Dharmadhikari, Advocate for applicant in ABA
No.614/2019.

Mr. Lubesh Meshram, Advocate for applicant in ABA
No.618/2019.

Mr. M.J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : SEPTEMBER 16, 2019

Since, these two applications arise out of Crime No.1011/2019 registered with Police Station, Jaripatka, Nagpur for the offence punishable under Section 306 read with Section 34 of Indian Penal Code, they are heard simultaneously and decided by this common order.

Criminal Application (ABA) No.614/2019 is filed by applicants - Vinit Dilip Tayade and Ashish Dhanraj Kadam. They are represented by learned counsel Mr. R.D. Dharmadhikari, whereas Criminal Application (ABA) No.618/2019 is filed by applicant - Vardhraj Balraj Pilley and he is represented by his counsel Mr. Lubesh Meshram.

In these two applications, the State is represented

by Mr. M.J. Khan, learned Additional Public Prosecutor.

Though two different replies are filed in these applications, the tenor of the reply is identical.

The crime was registered in view of the report lodged by Mrs. Pranita Patil widow of deceased Sanjay Patil who committed suicide by hanging himself in his house on 30.07.2019. As per first information report and as per the reply, the deceased was the owner of heavy vehicle bearing registration No.MH-31/CB-9677. The said truck was given to co-accused Roshan Ali on monthly basis. According to the reply, said Roshan Ali failed to give monthly rental amount resulting into deceased entrapped in financial difficulty. According to the first information report and according to the reply, when deceased Sanjay demanded the amount, at that time Roshan Ali refused to pay the amount and he and the present applicant asked him that he can take necessary steps whatever he want. According to the reply, the deceased was under tremendous mental tension and therefore, due to the paucity of funds he was unable to pay education fees of his son who is taking education in Delhi and therefore he was unable to take a sound sleep also.

In view of the aforesaid nature of the accusation, in my view *prima facie* the accusation is not sufficient to reach a conclusion that any of the applicants abated the deceased to commit suicide. Resultantly, I pass following order.

ORDER

- (i) Both the applications are allowed.

(ii) In the event of arrest in connection with Crime No.1011/2019 registered with Police Station, Jaripatka, Nagpur punishable for the offence under Section 306 read with Section 34 of Indian Penal Code, applicant No.1 – Vinit s/o Diliprao Tayade and applicant No.2 – Ashish s/o Dhanraj Kadam in Criminal Application (ABA) No.614/2019 and applicant - Vardharaj s/o Balraj Pilley in Criminal Application (ABA) No.618/2019 be released on bail on they executing P.R. Bond in the sum of Rs.25,000/- each, with one solvent surety of the like amount.

(iii) The applicants are directed to attend Police Station, Jaripatka, Nagpur once in a week i.e. on every Sunday and shall be with investigating officer from 03:00 p.m. to 05:00 p.m. till filing of the charge-sheet.

(iv) With this, applications are allowed and disposed of.

JUDGE

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