

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

CRIMINAL APPLICATION (ABA) NO.758 OF 2019

Sayyad Roshan Ali s/o Sazyyad Mehmood Ali .Vs. State of Maharashtra,
through PSO, P.S. Jaripatka, Nagpur.

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

Mr. R.D. Dharmadhikari, Advocate for applicant.
Mr. P.S. Tembhare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 04, 2019

Heard Mr. R.D. Dharmadhikari, learned counsel for applicant and Mr. P.S. Tembhare, learned Additional Public Prosecutor for the non applicant-State. Also perused the reply filed on behalf of the prosecution.

The applicant is apprehending his arrest in connection with Crime No.1011/2019 registered with Police Station, Jaripatka, Nagpur for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

One Sanjay Patil husband of Pranita Patil committed suicide on 30.07.2019 by hanging himself in his own residential house.

As per reply, Smt. Pranita Patil lodged a report against the applicant and others wherein it is stated that deceased Sanjay was doing transport business and he used to give his heavy vehicle (truck) on rent. As per prosecution case, he gave one truck bearing registration No. MH-31/CB-

9677 through one Aju Kale to the applicant resident of Amravati for Dongargarh on making monthly payment of Rs.1,20,000/-. As per prosecution case, though the truck was given in possession of present applicant and applicant was under an obligation to pay the rent, only on two occasions Rs.35,000/- and Rs.60,000/- were paid by the applicant and did not pay any further amount. Resultantly, there was acute money shortage to deceased Sanjay and he was under mental tension. It is also the prosecution case that in spite of demand of money to the applicant, he refused to pay the amount and asked the deceased to take any step he wants. As per the prosecution case, due to this deceased Sanjay committed suicide.

Prima facie, from the accusation made in the first information report and from the investigation papers, the abetment at the hands of the applicant does not spelt out. There may be monetary transactions between the applicant and the deceased or there may be dispute in between them for which deceased was legally entitled for the amount, however merely non payment of the amount though the applicant was under an obligation to pay the same to the deceased, in my view, it cannot be branded as abetment to commit suicide.

By order dated 07.11.2019, the applicant was protected by this Court on a condition that he shall attend police station on specified dates in the order. Accordingly, the applicant has attended the police station and joined the

investigation. In that view of the matter, I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.1011/2019 registered with Police Station, Jaripatka, Nagpur for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code, applicant -Sayyad Roshan Ali s/o Sayyad Mehmood Ali, be released on bail on he executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant is directed to attend Police Station, Jaripatka, Nagpur once in 15 days and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m. till filing of the charge-sheet.
- (iv) After filing of the charge-sheet the applicant shall attend Police Station, Jaripatka, Nagpur once in two months, until culmination of the trial.

The criminal application is disposed of.

JUDGE

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