

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

47 ANTICIPATORY BAIL APPLICATION NO.838 OF 2020

**BHAGWAN DAGDU PATIL
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr.Amol S. Sawant

APP for Respondent State : Mr.VM.Kagne

Advocate for assist to PP : Mr.S.R.Patil

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CORAM : MANGESH S. PATIL, J.

DATE : 03/11/2020

PC. :-

This is an application under Section 438 of the Cr.PC. in connection with Crime No.290/2020 registered with Dhule Police Station for the offences punishable under Sections 306, 323, 504 and 506 read with Section 34 of the I.P.C. The applicant is cited as accused no.4.

2] It is alleged that the deceased who was a boy of tender age committed suicide. It is alleged that all the accused had assaulted him on the previous day on account of his rumoured relation with a girl. By carrying out such assault all the accused had tormented him and instigated his suicide.

3] The learned advocate Mr.Sawant for the applicant submits that accepting the allegations at their face value, there is not enough material to make out any ingredient of abetment as defined under Section 107 of the

I.P.C. Merely because the deceased committed suicide one cannot readily infer that it was only because of the alleged assault on the previous day that the deceased committed suicide. Possibly he was having an affair with a girl and going by the statements in the F.I.R. even he was reluctant to disclose it to his father. It is just possible that even something other than the alleged assault must have been passing through the mind of the deceased. He could be under apprehension that his relations with the girl would be disclosed to his father and the family members and that also can be a triggering factor. He therefore submits that since going by the allegations custodial interrogation of the applicant is not necessary, he may be granted bail.

4] The learned A.P.P. strongly opposes the application and submits that there are statements of witnesses who had seen all the accused persons assaulting the deceased on the previous day. There are telephonic conversation revealing involvement of each of the accused. There is material to disclose that they had acted in unison and had instigated the deceased to commit suicide. The investigation is at a initial stage. Releasing the applicant on bail is likely to prejudice the Investigating Officer and the application may be rejected.

5] I have carefully perused the papers of the investigation. *Prima facie* there is a statement of one Ramesh Sahebrao Patil stating to have seen all the accused including the present applicant assaulting the deceased on 13/8/2020. In the same night i.e. the night intervening 13/8/2020 and 14/8/2020 the deceased committed suicide. The F.I.R. reveals that the deceased was under constant pressure and was hiding something from his father. There is a statement of the girl corroborating the allegations of the

prosecution that the deceased was under some apprehension on account of his rumoured relations with that girl though according to her it was merely a rumour.

6] All these facts and circumstances *prima facie* indicate that all the accused including the present applicant had assaulted the deceased on account of his rumoured relationship with the girl because of which the deceased was under an immense pressure and has ended his life. The conduct of the accused *prima facie* would constitute instigation as defined under Section 107 of the I.P.C. Since the investigation is in progress, granting bail to the applicant would in all probabilities cause serious prejudice to the Investigating Officer.

7] The application is rejected.

[MANGESH S. PATIL, J.]

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