

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

**ANTICIPATORY BAIL APPLICATION NO.891 OF 2020**

Govind s/o Janba Waghmare,  
Age : 29 years, Occu: Agril.,  
R/o Adas, Tq. Kaij, Dist. Beed.

... Applicant

**VERSUS**

The State of Maharashtra,  
through Police Station, Dharur,  
District Beed.

... Respondent

...

Advocate for Applicant : Mr. S.J. Salunke  
APP for Respondent/State: Mr. P.G. Borade  
Advocate for Assist to APP : Mr. D.B. Pokale

...

**CORAM : MANGESH S. PATIL, J.**

**DATE : 05.11.2020**

**PER COURT :**

The applicant is seeking bail in anticipation of his arrest in connection with Crime No.228/2020 registered with Dharur Police Station, Beed for the offence punishable under Section 306 and 323 of the Indian Penal Code.

2. In substance the allegations are to the effect that the deceased was employed as a driver on the tractor of the applicant. The latter had lent advanced to him to the tune of Rs.30,000/-. The applicant was insisting the deceased to work round the clock or else threatened that he should repay the entire money. It is then alleged that on 02.09.2020 the applicant

slapped the deceased in a shop in presence of witnesses and once again repeated the demand. The deceased thereafter left the spot, consumed poison and telephonically informed his father who is the informant about having consumed poison because of that episode. Unfortunately, he died in the same night and the FIR was lodged on the next day.

3. Learned advocate Mr. S.J. Salunke for the applicant submits that necessary ingredients for constituting abetment as defined under Section 107 of the Indian Penal Code are missing. Accepting the allegations at their face value, the applicant had paid advance to the deceased and was merely insisting for its repayment. Though there are allegations about he having slapped the deceased, there cannot be any nexus between such episode and the death of the deceased. He would submit that if the applicant was interested in recovering back his money which was a legitimate due, even if the deceased was harbouring some pressure and such money transaction had kept him under some stress, the applicant cannot be attributed with instigation to commit suicide. Nothing is to be recovered or discovered by the applicant. He is ready to cooperate the Investigating Officer and may be granted bail.

4. Learned APP assisted by the learned advocate for the wife of the original informant strongly opposes the application. He submits that there are witnesses who all have seen the applicant slapping the deceased and soon thereafter the latter had left the spot and consumed poison. There is an oral dying declaration, wherein, he immediately telephonically informed

the informant who is his father about having consumed poison because of the insistence of the applicant for repayment of money. The investigation is still to be completed. Custodial interrogation of the applicant is necessary. There are criminal antecedents. The applicant is likely to create obstacle in completing the investigation and the application may be rejected.

5. I have carefully gone through the papers. Even according to the FIR, the applicant had lent money to the deceased by way of advance. He was insisting for its repayment. Still the deceased continued to be in the employment of the applicant. Merely because the applicant was insisting for repayment of the money, one cannot readily infer that the applicant was intending to drive the deceased to commit suicide. Rather, because of the death of the deceased it would be the applicant who would now be unable to recover money and would stand to lose.

6. Be that as it may, the statements of the witnesses have already been recorded. They all have narrated the episode that had taken place in the morning of 02.09.2020. Consequently there is no question of any tampering as well.

7. Considering all the aforementioned facts and circumstances, the applicant deserves to be granted Anticipatory Bail.

8. The application is allowed. In the event of arrest of the applicant in connection with Crime No.228/2020 registered with Dharur Police Station for the offences punishable under Sections 306 and 323 of the Indian Penal Code, he be released on bail on his executing personal

recognizance for an amount of Rs.15,000/- and furnishing a solvent surety in the like amount subject to the following conditions:

- a) He shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate him.
- b) He shall not tamper the evidence or influence the witnesses.

**(MANGESH S. PATIL, J.)**

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