

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

ANTICIPATORY BAIL APPLICATION NO.53 OF 2021

**1] BHAGWAN PANDIT PATIL
2] KAMLESH BHAGWAN PATIL
3] AMOL BHAGWAN PATIL
4] VIJAY LAXMAN PATIL
5] BHATABAI PRAVIN PATIL
6] MAYUR PRAVIN PATIL
7] SHAMRAO DHUDKU PATIL
VERSUS
THE STATE OF MAHARASHTRA**

**...
Advocate for Appellant : Vijay B. Patil for Applicants
APP for Respondent: S.W.Mundhe
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**CORAM : MANGESH S. PATIL, J.
DATE : 04.03.2021**

PC. :-

This is an application by some of the accused from Crime No.5/2021 registered with Amalner Police Station, Tq.Amalner, Dist.Jalgaon for the offences punishable under Sections 306, 354, 448, 143, 147, 323, 504, 506, 427 of I.P.C. seeking bail under Section 438 of the Cr.P.C.

2] In substance the allegations in the F.I.R. lodged by the son of the deceased are to the effect that the deceased was having a son and 2 daughters. They all were married and staying in different cities. The deceased alone was staying at her native. There were frequent quarrels between her

and the neighbours. Both the sides had been to the Police Station. However, the deceased was harassed persistently to the extent that she was left with no other alternative but to commit suicide. She hanged herself leaving behind a note in Ahirani dialect which has been subsequently translated in Marathi, wherein she blames the person named therein for suicide.

3] The learned advocate for the applicants would submit that it is a matter of record that there was a persistent dispute between these neighbours and the deceased. She was short tempered, was constantly harassing the neighbours for some reason or the other. Even a written grievance was made by number of villagers to the concerned Police Inspector complaining about her behaviour and tendency to falsely implicate the villagers. It is therefore a case where the deceased has committed suicide in all probability due to her temperament rather than because of any instigation.

4] The learned advocate would further submit that even accepting the allegations at their face value, necessary ingredients for constituting abetment as defined under Section 107 of the I.P.C. cannot be made out. The Supreme Court as well as this Court in number of matters have in similar set of facts, concluded that the offence of abetment to commit suicide cannot be made out. He would refer to the following decisions :

1] Gangula Mohan Reddy V/s State of Andhra Pradesh; 2010 AIR SC 327.

2] Madan Mohan Singh V/s State of Gujarat & Anr, of Supreme Court of India in Criminal Appeal No.1291/2008 by judgment dated 17/8/2010.

3] Ashok Sopan Kalaskar V/s State of Maharashtra; 2016 All M.R.(Cri) 3961.

4] Narayan Digambar Kshirsagar and another V/s State of Maharashtra; 2015 All M.R. (Cri.) 885

5] Kavish Ramakant Sapre V/s State of Maharashtra of Bombay High Court, Nagpur Bench in Criminal Application No.519/2017 by judgment dated 12/12/2017.

5] The learned advocate for the applicants would further submit that the applicants have been granted ad-interim anticipatory bail. There are no allegations about they having committed breach of the terms and conditions. They are ready to cooperate the Investigating Officer even hereafter and the same may be confirmed.

6] The learned A.P.P. strongly opposes the application. He would submit that the deceased was left with no choice but to end the life because of the persistent harassment meted out to her by neighbours. At this stage the suicide note is sufficient to infer that it is the neighbours who had persistently harassed her and she committed suicide only because of such harassment. He would further point out that there are statements of witnesses particularly the Police Patil pointing out that when she had gone out of station and had returned back, someone had put a lock to her house. There was no one to explain as to how the lock was put. She requested him to remove it but he refused. This only indicates as to in what manner the deceased was harassed. Since the offence is serious, when it is a matter of deceased against number of villagers, custodial interrogation of the applicants is necessary. Granting bail is certain to cause prejudice to the Investigating Officer as there is every possibility of applicants tampering the witnesses.

7] When this Court expressed its disinclination to grant anticipatory bail to applicant no.1, the learned advocate for the applicants, seeks leave to

withdraw the application to the extent of applicant no.1. Leave is granted.

8] I have carefully gone through the papers. Apart from the statement of the Police Patil showing that the harassment meted out to the deceased had gone to the extent that even her house was locked from outside and even the Police Patil was reluctant to help her is sufficient to perceive that in all probability the deceased was harassed to the extent that she could not find any way out but to end her life.

9] The suicide note also speaks in volumes. The deceased has stated that she was being harassed by several persons. She has specifically named some of these persons including the applicant no.1. However, conspicuously though she has named as many as 11 persons, including applicant no.1 she has not named the other applicants. If she was specific in naming the persons who had harassed her she could have easily named the other applicants as well.

10] Be that as it may, going by all the aforementioned facts and circumstances, when there is enough material to show that the deceased had committed suicide because of the persistent harassment meted out to her by number of persons and in the suicide note she has named all of them but has omitted to name other applicants, the application deserves to be allowed only partly to the extent of other applicants except the applicant no.1.

11] The application is partly allowed. The ad-interim relief granted to applicant nos.2 to 7 stands confirmed with the same terms and conditions.

12] The application to the extent of the applicant no.1 is disposed of as withdrawn.

[MANGESH S. PATIL, J.]

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