

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 ANTICIPATORY BAIL APPLICATION NO.230 OF 2021

SHANKAR PANDU SANAP AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Ranjit V. Sangle i/b Mr. Dixit Sushant V.
APP for Respondent-State : Mr. S. Y. Mahajan.

...

WITH

**CRIMINAL APPLICATION NO.674 OF 2021
IN ABA/230/2021**

PRADIP SURESH NAGRE
VERSUS
SHANKAR PANDU SANAP AND ANOTHER

...
Advocate for Applicant : Mr. V. C. Patil Ashtekar.
Advocate for Respondent No.1 : Mr. Ranjit V. Sangle i/b Mr. Dixit
Sushant V.
APP for Respondent No.2 : Mr. S.Y. Mahajan.

...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 10-03-2021.

ORAL ORDER :

1. Criminal Application No.674 of 2021 has been filed for assist to learned Additional Public Prosecutor.
2. It is allowed and disposed of.

3. Heard learned Advocate Mr. Ranjit V. Sangle instructed by Mr. Dixiv Sushant V. for applicants and learned Additional Public Prosecutor Mr. S. Y. Mahajan for respondent-State well assisted by Advocate Mr. V. C. Patil Ashtekar for the original informant.

4. Perusal of the First information Report would show that names of the present applicants are mentioned in the audio clip that is stated to have been left by the deceased. The First Information Report has been lodged by the brother of the deceased, and in nutshell it appears that, it was out come of the Grampanchayat Election. Initially as regards the incident dated 20-01-2021 it is the allegation against two other persons who had allegedly told deceased that though he had no capacity, why he had contested the Grampanchayat Elections and he should commit suicide. But then as regards the incident that had allegedly taken place on the next date it is stated to be against five other persons. As regards the applicant No.1 is concerned, it is stated that he had caught hold of the shirt of the deceased and had given threat to kill. It is also stated that all those five persons had come in front of the house of the deceased and had given threats to kill. The informant states that he had intervened and those five persons had left the place.

That incident had taken place around 08.30 a.m. and then the informant states that at about 10.30 a.m. deceased went out from the house without informing anybody. But then the informant states that by giving the deceased a phone call he had persuaded that he should not take the things seriously. But then he came to know through one Anna Nagre at about 11.30 a.m. that some message has been given on the What's App group by the deceased, in which it was a audio clip by the deceased, stating that he is committing suicide due to the applicants. Thereafter, the informant had tried to contact deceased Anil, however the contact could not be established and, thereafter, when he went to the field of present applicant No.1, it was found that deceased Anil had hanged himself to a tree.

5. Now learned Additional Public Prosecutor submits that the investigation is still pending. A role attributed to the applicants deserves investigation. Further there is a non-cognizable report that has been lodged on 11-02-2021 against the family members of the present applicant stating that they had given threats to the informant and had asked him to take back the First Information Report. With this the physical custody of the applicants require and, therefore, they do not deserve ad-interim protection.

6. It will not be out of place to mention here that the main stress has been led by the learned Advocate for the applicants to demonstrate as to how ingredients of offence under Section 306 of Indian Penal Code are not attracted.

7. Taking into consideration the above said contents of the First Information Report, it is to be noted that there is nothing to be recovered at the instance of the present applicants. Now as regards whether the offence can be said to be made out or not, will have to be considered at a latter point of time as the papers of investigation are still awaited and it is the first date of the hearing in this matter. However, taking into consideration the threat for arrest of the applicants, till the papers are perused they deserve ad-interim protection. Hence, following order.

ORDER

1) In the event of arrest of the applicants Shankar Pandu Sanap, Vilas Shankar Sanap, Amol Shankar Sanap and Bhaiyya Balkisan Nagre, in connection with Crime No.176 of 2021, registered with Chalisgaon Rural Police Station, Chalisgaon, for the offences punishable under Section 306, 504, 506 read with 34 of the Indian Penal

Code, they be released on PR of Rs.30,000/- each (thirty thousand) with two sureties of Rs.15,000/- each (fifteen thousand). This protection is granted till 23-03-2021.

2) The applicants shall attend the Chalisgaon Rural Police Station, Chalisgaon daily between 10.00 a.m. to 02.00 p.m. till further orders.

3) Issue notice to the respondent, returnable on 23-03-2021.

4) Learned Additional Public Prosecutor waives notice for respondent-State.

5) The applicants shall not tamper with the evidence of the prosecution in any manner.

6) They shall not indulge in any criminal activity.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-