

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

ANTICIPATORY BAIL APPLICATION NO. 479 OF 2021

1. Shalan Shahaji Khatal
Age 43 years, Occu: Agri.
2. Bhagyashri @ Rupali Shahaji Khatal
Age 20 years, Occu: Education

Both R/o Anandwadi, Malthan, Karjat
Tq. Karjat, District Ahmednagar
3. Sachin Birmal Tarange
Age 34 years, Occu: Agri.
4. Bhau @ Sadu Birmal Tarange ... **Applicants**
Age 47 years, Occu: Agri

Both r/o Bhalewadi, Tq. Karmala
District Solapur

VERSUS

The State of Maharashtra, ... **Respondent**
Through Police Station Officer
Karjat Police Station,
Taluka Karjat District Ahmednagar.

Mr. Rahul R. Karpe, Advocate for the applicants
Mr. N. T. Bhagat, APP for the Respondent-State

CORAM : V. G. BISHT, J.
DATE : 11th August, 2021.

ORDER:

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0159/2021, registered with Karjat Police Station, District Ahmednagar for the offences punishable under Sections 306, 143, 149, 323, 504, 506 of the Indian Penal Code, 1860.

2. Amarjit Navnath Jankar (since deceased) was the son of the informant and was slightly mentally retarded. Shahaji Ashru Khatal (A-2), relative of the informant is resident of the village of the informant. Similarly, Natha Bhanudas Kharat (A-1) is resident of Rajaram Patil Nagar, Pune. Kum. Bhagyashri Shahaji Khatal, applicant No.2 herein, is the daughter of said Shahaji Ashruba Khatal and she was engaged to one Sundardas Waghmode but, A-1 was bent upon to see that the said marriage was not solemnized. On the contrary, he wanted that applicant No.2 should marry to his nephew namely Nana Popat Kharat.

3. On 06.03.2021, one Parshuram Kharat telephonically informed the informant that his son i.e. deceased had consumed some medicine and being taken to Hospital. The informant rushed to the Hospital. There, he was told by the deceased that he was asked by A-1 to tell ill things about applicant No.2 to the boy with whom she was engaged as he (A-1) wanted to have that marriage broken and also assured him to give Rs.5000/-. Accordingly, the deceased rang-up the would be husband of Applicant No.2. On 06.03.2021, at about 1.00 p.m., Shahaji Ashru Khatal (A-2), Shalan Shahaji Khatal (Applicant No. 1), Bhagyashri (Applicant No.2), Vitthal Shahaji Khatal (A-5), Sachin Tarange (Applicant No.3) and Bhau Tarange (Applicant No.4) came and beat the deceased by fist and kick blows and also threatened to kill him. The deceased further told that fearing that he would be killed, he consumed insecticide.

4. Mr. R. R. Karpe, learned counsel for the applicants vehemently submitted that even if the allegations made in the first information report are taken to be correct then also the first information report does not satisfy the ingredients so as to attract section 306 IPC. According to the learned counsel, there is absolutely no allegation of harassment of the deceased at the hands of the applicants with a view to compel him to commit suicide. Even otherwise, the investigation is almost completed and alleged article of consumption of poison has also been seized from the spot and thus, there remains nothing which requires presence of the present applicants with the police for completion of investigation.

5. Mr. N. T. Bhagat, learned A.P.P., on the other hand, would submit that contents of the first information report would sufficiently establish prima facie case against the present applicants and would further contend that the application being devoid of merit, needs to be rejected.

6. A bare reading of the first information report would show that the present applicants were in no way responsible as to the suicide of the deceased or in any manner abetted him to commit suicide. Prima facie, the ingredients of section 306 IPC are not attracted in the facts and circumstances of the present case. Viewed thus, this Court does not find merit in the submissions of the learned A.P.P. that there is sufficient evidence in the form of contents of the first information report so as to hold the present applicants responsible for the death of the

deceased.

7. In view of above, the interim relief granted by this Court on 13th May, 2021 is made absolute and is confirmed.

8. Bail application stands disposed of accordingly.

(V. G. BISHT, J.)

JPC