

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

25 ANTICIPATORY BAIL APPLICATION NO.551 OF 2021

**ANITA W/O NARENDRA GIRASE AND OTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Harshad Nimbalkar, Advocate a/w Mr. A. M. Karad, Advocate for the applicants

Mr. V. D. Sapkal, Senior Advocate i/b Mr. R. K. Ingole, Advocate for the Assist to P.P.

Mr. V.M. Kagane, APP for the respondent/State

CORAM : SANDEEP K. SHINDE, J.

DATE : 26-07-2021

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. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the complainant.

2. It is an application for pre-arrest bail in connection with the Crime No. 61 of 2021 registered at Dhondaicha Police Station, Dist. Dhule for the offences punishable under Sections 306, 506 read with Section 34 of the Indian Penal Code. Applicant No.1 is house wife; applicant No. 2 is the Medical Practitioner-husband of applicant No.1 and applicant No.3 is grand nephew of applicant No.2.

3. The prosecution case;

a. Complainant's brother, Dharendra Pratap Singh (deceased) was Upsarpanch of Takarkheda Grampanchayat during the period 2013 to 2018. Thereafter, mother of the deceased was elected as Upsarapanch for the period 2018-2022. *Prima-facie* material on record suggests applicants and the family of the deceased were political rivals. It is the prosecution case that owing to the constant humiliation, harassment meted out to the deceased by the applicants, he committed suicide on 10-05-2021 at around 02.30 pm. Accidental death enquiry was followed by the first information report filed two days after the incident. Admittedly, neither the deceased nor the applicants were office bearers of Grampanchayat as on the date of the incident. Material on record shows at the instance of applicant No.1 enquiry was held against the deceased by the Sub-Divisional Officer to verify the allegations of misappropriation and encroachment on Grampanchayat property by the deceased. Enquiry was concluded in the year 2017 wherein allegations made against the deceased were found false and incorrect.

4. In the context of the facts of the case Mr. Nimbalkar, learned counsel for the applicants submitted that to constitute the offence under Section 306 of the IPC offending action ought to be proximate to the time of occurrence. It is submitted that there is no material at all on record to infer that alleged humiliation meted out to the deceased resulted and or instigated him to take extreme step. It is submitted that the applicants are residents of

Takarkheda, Tq. Shindkheda, Dist. Dhule and they would be available for investigation and trial and their custodial interrogation shall not further the prosecution case. It is submitted that arrest of the applicants will malign their reputation in the society and the allegations against the applicants are general in nature. On these grounds the applicants are seeking pre-arrest bail.

5. The learned prosecutor and the learned counsel appearing for the informant would urge that as on the date of the incident i.e. 10-05-2021 in morning quarrel ensued between the deceased and the applicants and soon thereafter Dhirendra Pratap Singh committed suicide. It is contended that acts of the applicants were sufficient to draw an inference that they abetted and instigated the deceased to commit suicide.

6. Indisputably, the deceased was not office bearer of the Grampanchayat as on the date of occurrence. Admittedly, enquiry was held against the applicants and he was acquitted of all the charges way back in the year 2017. Although, it is contended that the applicants were preferring the representations and making complaints against the deceased for alleged irregularities committed by him in managing affairs of the Grampanchayat, but prima-facie there is no material to show that offending action had proximity to the date of occurrence. Additionally, the statements of Gram Sevak who were working with the deceased have been recorded under Section 164 of the Code of Criminal Procedure.

7. In consideration of the facts, in my view the custodial interrogation of the applicants is not required, rather, it may not further the prosecution case. Even otherwise, being permanent residents of Village Takarkheda applicants presence for the investigation and trial can be secured by imposing the suitable conditions.

8. Application is granted. Hence, the following order.

ORDER

i. In the event of arrest in connection with the Crime No. 61 of 2021 registered at Dhondaicha Police Station, Dist. Dhule for the offences punishable under Sections 306, 506 read with Section 34 of the Indian Penal Code, the applicants shall be released on bail on executing bond in the sum of Rs. 50,000/- [Rupees Fifty Thousand] with one or more sureties in the like amount.

ii. The applicants shall give particulars of their contact details to the Investigating Officer within a week from today and join the investigation as and when called by the Investigating Officer.

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9. The application is allowed and disposed of in the aforesaid terms.

[SANDEEP K. SHINDE, J.]

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