

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

931 ANTICIPATORY BAIL APPLICATION NO.1203 OF 2021

VITTHAL SAMBHAJIRAO GUTTE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. Joydeep Chatterji, Counsel for applicant
Mr. A.S.Shinde, APP for respondent-State

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CORAM : PRAKASH D. NAIK, J.

DATE : 03rd DECEMBER, 2021

PER COURT:

1] The First Information Report (for short, 'FIR') was registered on 16th September, 2021 by the wife of the deceased. It is alleged that, in the year 2006 the accused/applicant had promised the deceased that he would provide him employment. The deceased had gifted land for constructing school to applicant. Gift deed to that effect was executed. This transaction had taken place about fifteen years ago. It is further alleged that the deceased was repeatedly requesting applicant to provide him job as agreed between them. He committed suicide in the premises of the school, which was constructed by the trust. The suicide note was allegedly written by the victim was found on person of the victim.

2] The applicant is aged about 68 years. The gift deed was executed in the year 2006. The gift deed does not mention anything about

providing employment to the deceased. The question is, whether Section 306 of the Indian Penal Code would be attracted in this case.

3] Learned APP submitted that the victim had parted his property by way of gift deed. The applicant/accused had promised to provide him employment. In spite of repeated requests made by the deceased, no employment was provided to him. Various complaints were made by the victim to various authorities. The suicide note recovered after the incident of suicide, indicates that the victim had parted one and half acres land to the applicant with the promise that he would be provided employment. However, the promise was not fulfilled. The government shall return the land to the victim.

4] As stated above, the land was handed over in the year 2006 by way of gift deed. There were remedies available in law in, in the event, the victim was aggrieved by the conduct of the applicant.

5] The applicability of Section 306 of IPC is thus debatable. The applicant need not be subjected to custodial interrogation. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.1203 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in connection with Crime No.0213 of 2021 registered with Palam Police Station, Dist.Parbhani, the applicant be

released on bail on executing P.R.Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.

- (iii) Applicant shall report the Investigating Officer on 13th, 14th and 15th December, 2021 and thereafter, as and when called for, till filing of charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)

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