

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1355 OF 2021

Anand Yohan Shinde. Applicant

Versus

The State of Maharashtra. Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1309 OF 2021

Ramdas Bansi Ghodke. Applicant

Versus

The State of Maharashtra. Respondent

WITH

CRIMINAL APPLICATION NO. 2927 OF 2021

IN

ANTICIPATORY BAIL APPLICATION NO 1309 OF 2021

AND

CRIMINAL APPLICATION NO. 2926 OF 2021

IN

ANTICIPATORY BAIL APPLICATION NO. 1355 OF 2021

Manisha Zumbr Gavande Applicant

Versus

State of Maharashtra & another Respondents

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Mr. R.R. Karpe, Advocates for the applicants.
Mr. A.V. Deshmukh, A.P.P. for respondent – State.
Mr. Satej S. Jadhav, Advocate for complainant (assist to PP).

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 20-12-2021.

ORDER :

1. The applicants are apprehending arrest in Crime No.680/2021 registered with Shrigonda Police Station, District Ahmednagar for the offence punishable under Section 306 of the Indian Penal Code (for short "I.P.C.").

2. The First Information Report (for short "F.I.R.") is lodged by Manisha Zumbar Gavande on 3rd October 2021. She is the wife of deceased. It is alleged that the deceased was working as Gramsevak had Shrigonda Grampanchayat. About 20 days prior to lodging of the complaint, the deceased had informed the informant that Deputy Sarpanch of Khandgaon – Wadghul Grampanchayat Ramdas Bansi Ghodke and the son of Grampanchayat member Smt. Sunanda Yohan Shinde namely Ananda Shinde are forcing him to make entries in the name of encroachers in forest land. Deceased had informed the accused that it is not within jurisdiction to perform such act. He would consult superiors and initiate appropriate action. The work was illegal and since the deceased had not followed the directions of the accused, complaint was made against him with Block Development Officer alleging that he is not performing his duties. Deceased had also informed that he had approached the Block Development Officer and tried to explain his side. Accused had insisted that unless he makes entries in the name of of the persons who had encroached in the forest land, the complaint filed

against him would not be withdrawn. Deceased was repeatedly threatened about it. The elder daughter of the deceased was to be operated for kidney disease. During the same period, Ramdas Ghodke had made viral the conversation between him and deceased wherein it was recorded that Ramdas Ghodke was instructing the deceased to make entries of 150 houses of the persons who are residing in the forest land from 1960 -1970. Accused Ramdas Ghodke had threatened the deceased that inquiry will be conducted against him on the ground that he is not helping poor people. He was pressurised to do the work. Deceased had informed the informant that, he is tensed on account of conduct of the accuse. Another audio clip was circulated which refers to the fact that Ram Ghodke was informing the deceased that he should perform work and then he would withdraw the complaint made against him. Deceased was praying for mercy. Another video about conversation between Ramdas Ghodke and deceased indicated that Ghodke was threatening the deceased that his salary will be stopped, he would not get pension and he was pressurised by him. Anand Shinde, the other accused is the son of Member of Grampanchayat. He made the deceased to sweep the office of Grampanchayat, recorded the video and made it viral. The deceased was tortured. About month ago the deceased was dragged out of the office and by closing it he was driven out from the office. He was insulted in front of the villagers. Ram Ghodke had made complaint against him with Block Development Officer and he

was pressurised. Deceased was under tension. On 24.09.2021, he left the house on motorcycle. He did not return home. He forwarded WhatsApp message. He committed suicide by jumping into the water fall of Sautada. Informant and others visited the spot. His motorcycle and bag was found near the spot. For 3 to 4 days body could not be traced. Complaint was lodged with police station on 28.09.2021. On 02.10.2021 body of the deceased was found. Hence, the F.I.R. was registered under Section 306 of I.P.C.

3. Learned Advocate for the applicants in both the applications submitted that the offence under Section 306 of I.P.C. is not made out. Deceased was not performing his duty. Hence complaint was lodged with Block Development Officer. Custodial interrogation of the applicants is not necessary. Applicants are reputed persons. Applicant Ramdas Ghodke is Deputy Sarpanch of the Grampanchayat. The victim was under tension on account of surgery of his daughter who was suffering from kidney ailment. Applicants are not responsible for his death. Even accepting the allegations as it is, no offence under Section 306 of I.P.C. is made out. F.I.R. nowhere indicates *mens rea* and extreme harassment and abetment as envisaged under Section 107 of I.P.C. There is no evidence to show that the accused instigated the deceased to commit suicide or had any complicity in the act.

4. Learned A.P.P. submitted that there is evidence that the accused had continuously harassed the deceased and compelled

him to commit suicide. Deceased was working as Gramsevak. False complaints were lodged against him since he was not following instructions of the accused to perform illegal act. Statements recorded during the investigation support the prosecution case. During the investigation it was revealed that the complaint made against deceased to the higher authorities was false. The signatures on the complaint / application of Sarpanch and other Grampanchayat members were false. Accused prepared false letter head and stamps of Grampanchayat and forwarded false complaint. Accused were insisting that the deceased should make entries of persons who are encroachers on the forest land. The victim was threatened that his salary and pension would be stopped. Statements of the persons who had allegedly signed the complaint, were recorded and they have denied their signatures. Thus, the accused had prepared false document. The victim was made to sweep the Grampanchayat Office and while doing so, the video was recorded by the accused. The audio clips regarding conversation with the deceased were circulated by the accused which shows that he was pressurised to perform illegal act.

5. Learned Advocate for the complainant supported the submissions of learned A.P.P. It is submitted that the victim was under tension on account of the act of accused. He was continuously harassed by the accused. He had disclosed about harassment to the informant. He was working as Gramsevak of Grampanchayat of village Khandgaon – Wadghul. Accused Ramdas

Ghodke was Deputy Sarpanch. Other applicant is the son of Member of Grampanchayat. Both the accused had insulted the victim since he did not accept their unethical demands. The victim was insulted in front of the villagers. False complaints were filed against him. He was made to sweep the floor in the Grampanchayat Office in front of the Members and villagers and also video was recorded of the incident and made it viral on social media. Accused refused to grant leave to deceased at the time of kidney operation of his elder daughter. Owing to this harassment deceased committed suicide by jumping into the water fall. Deceased had also informed the informant about viral video leaked by the accused. Repeated applications were made by the accused. The signatures appearing on the applications were forged. Hence, Sections 465 and 469 of I.P.C. were added. Accused are pressurising the Members of Grampanchayat to give statements in their favour and they threatened them of consequences if they fail to do so.

6. The F.I.R. and investigation papers reveal that the deceased was continuously harassed by the accused. Deceased was under constant pressure from them. He was asked to make entries with regard to the encroachers who are occupying the forest land. The deceased was not adhering to the demands of accused. The audio recording of the conversation was made viral. Repeated complaints were filed with higher authorities against deceased with a view to pressurise him. He was repeatedly threatened of dire consequences. He was forced to sweep Grampanchayat Office in

the presence of villagers, which was video recorded and the said video was circulated. The statements of witnesses recorded during investigation reveal that the signatures appearing on the application / complaint forwarded by accused Ramdas Ghodke were forged. Accused Anand Shinde had video recorded the incident of sweeping and made it viral. It is apparent that the victim was continuously humiliated by the accused. Thus, there is sufficient evidence to show that the accused had instigated and abetted the victim to commit suicide.

7. In view of the above, I pass the following order.

ORDER

- (i) ABA No. 1355/2021 and ABA No. 1309/2021 stand rejected. Criminal Application No. 2927/2021 and Criminal Application No. 2926/2021 stand disposed of.
- (ii) At this stage, learned Counsel for the applicants submits that the applicants propose to move before the Apex Court and hence, interim protection granted by this Court may be extended for three weeks. The learned A.P.P. opposed this request. However, considering the submission made by the learned advocate for the applicants, interim protection granted earlier is extended for the period of three weeks.

(PRAKASH D. NAIK, J.)