

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

916 BAIL APPLICATION NO.1396 OF 2021

MAYABAI W/O. DATTATRAY GAIKWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mrs. MS Mhase, i/by Lex Aquila
Mr.NT Bhagat, APP for Respondent-State

CORAM : SMT.VIBHA KANKANWADI,J.
DATE : 9th December, 2021

PER COURT :-

1. Present application has been filed under Section 439 of Cr.P.C. The applicants have been arrested in connection with CR No.207/2021 registered with Lohara police Station, District Osmanabad, for the offence punishable under Section 306 read with 34 of IPC.

2. Heard learned Advocate and learned APP appearing for the respective parties.

3. Information has been lodged by one Prabhakar Rama Danane, stating that deceased Hanmant is his son, who was a social worker as well as attached to a political party. It is then stated that the deceased was knowing a lady, i.e.

(2)

applicant No.1, who was serving as *Anganwadi Sevika*. Deceased Hanmant had given an amount of Rs.1,50,000/- to applicant No.1 and then when Hanmant was asking her to return the said amount, she was avoding. It is then stated that a meeting was held and in presence of one Baban Phulsundar; Bibhishan Pawar and Satish Patil, present applicant No.1 promised to return the said amount and accordingly she gave an amount of Rs.50,000/- in presence of those persons. It is then stated that again she was avoiding payment of the remaining amount. When again deceased Hanmant was asking her to return the amount, at that time, Hanmant was beaten by applicant Nos.2 and 3, who are the daughter and husband of applicant No.1. The informant says that the deceased used to be under mental tension since the date of the said assault. It is also stated that Hanmant started agitation on 24.9.2021 for enquiry against applicant No.1, contending that she has four children. Thereafter, the Executive Officer gave promise that he would make enquiry and, therefore, agitation has ended. The informant then says that Hanmant went to his office around 9.00 am on 25.9.2021. But,

(3)

thereafter when one Shashikant Dolare went to that office around 10.30 am, he found that the deceased had hanged himself. A suicide note was found, which is stated to be left by the deceased arraying the present applicants. Hence, the FIR has been filed.

4. The contents of the FIR as well as the note which has been recovered is silent on the point as to when the deceased had met the present applicants. In order to attract Section 306 of IPC, there should be connection between the alleged instigation and the commission of the suicide. On bare reading of the FIR as well as the note, this *prima facie* fact appears to be not made out as to how and in what manner, the deceased was instigated. Under such circumstance, the applicants deserve to be released on bail. Hence, the following orders, -

ORDER

- i. The application stands allowed;
- ii. The applicants, viz. 1) Mayabai w/o Dattatkraya Gaikwad; 2) Swati d/o Dattatraya Gaikwad; and 3) Dattatraya s/o

(4)

Kakchrappa Gaikwad, be released on bail in connection with CR No.207/2021 registered with Lohara police Station, District Osmanabad, for the offence punishable under Section 306 read with 34 of IPC on PR bond of Rs.30,000/-(Rupees thirty thousand) with two solvent sureties of Rs.15,000/- each;

iii. Along with submitting the bail papers before the learned Trial Judge, the applicant/s shall give their complete address of the place of residence where they intend to reside till end of the trial.

iv. The applicants shall also give the said information to the Investigating officer along with mobile number and shall comply with the requirements set out in Para No.12 (1) to (6) of Chapter-I of Criminal Manual, whichever are applicable.

(5)

v. The applicants shall not indulge in any criminal activity nor shall tamper with the prosecution evidence in any manner.

vi. The applicants shall remain present before the Investigating Officer as and when called.

vii. Bail before the Trial Court.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV