

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 942 OF 2020

1. Uttam Dhondiram Shinde

2. Santosh Piraji Shinde

... Applicants

versus

The State of Maharashtra

.... Respondent

.....

Mr. Tejas Hilage, for the Applicants.

Smt. J. S. Takalkar, APP for State-Respondent.

.....

CORAM : SARANG V. KOTWAL, J.

DATE : 11th FEBRUARY, 2021

P.C. :

. The applicants are seeking anticipatory bail in connection with C.R.No.1522/2020 dated 26th November 2020 registered at Karveer Police Station, Dist. Kolhapur under Sections 306, 324, 323, 504 read with 34 of Indian Penal Code.

2. Heard Mr. Tejas Hilage, learned Counsel for the applicants and Smt. J. S. Lohokare, learned APP for the State.

3. The F.I.R. is lodged by one Shreekant Patil in respect of suicide committed by his father. He has stated that he was an

agriculturist and he used to consume liquor sometimes. One Dattatray Patil had taken Rs.50,000/- from the informant's father Krishna Patil. Informant's father was demanding that money from Dattatray but it was not repaid. On 15th November 2020, Dattatray's wife Shilpa was going on two wheeler accompanied by the applicants at about 9.30 a.m. The informant's father stopped them. He questioned Shilpa and demanded his money. Shilpa got angry. She instigated both the applicants to beat the informant's father. Both the applicants beat the informant's father by fists and kick blows. Shilpa abused the informant's father and also beat him. It is alleged that both the applicants gave blows to the informant's father with sugarcane. The people in locality separated them. Informant's father came home and told about the incident to the informant and his family members. It is alleged in the F.I.R., that since then, he was under some tension and continuously consuming liquor. On 22nd November 2020, he committed suicide by consuming poison. After this, the F.I.R. is lodged.

4. Learned Counsel for the applicants submitted that the applicants had no money transactions with the deceased and they

are implicated falsely because they had sided with Shilpa and Dattatray. He submitted that, their act would not fall within the meaning of abetment. At the highest, the allegations against them are that, they assaulted the deceased which would not be the offence beyond under Sections 324 of I.P.C.

5. Learned APP relied on the averments made in the F.I.R and opposed this application.

6. I have considered these submissions. As rightly pointed out by the learned Counsel for the applicants, the money transaction was between Dattatraya and deceased. Dattatraya and Shilpa were not returning the amount taken from the informant's father. On 15th November 2020, it is alleged that, both the applicants assaulted the informant's father on the instigation of Shilpa. As rightly submitted by the learned Counsel for the applicants, this would amount to offence under Section 324 at the highest. The deceased had committed suicide after about a week from that date. It was not an immediate cause. The F.I.R. indicates that he was consuming liquor continuously as he was under pressure. He was not happy because Dattatraya Patil had

misappropriated his money. In view of these facts, custodial interrogation of the applicants is not necessary. They can be protected by an order of anticipatory bail.

7. Hence, the following order.

ORDER

- (i) In the event of their arrest, in connection with C.R.No.1522/2020 registered at Karveer Police Station, Dist. Kolhapur, the Applicants be released on bail on their executing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) The applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)