

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

ANTICIPATORY BAIL APPLICATION NO. 2752 OF 2019

1. Maruti Arjun Tambe
2. Mrs. Ranjana Maruti Tambe
3. Vishal Maruti Tambe Applicants

Versus

The State of Maharashtra Respondent

Mr. Vikas Shivarkar for Applicants.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 04th FEBRUARY, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 248 of 2019 registered at Wavi Police Station, Nashik Rural, on 19/11/2019, under section 306 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Vikas Shivarkar, learned counsel for the applicants and Shri. Ajay Patil, learned APP for the State.
3. The case is about suicide committed by one Bharat

Tambe. The applicant No.1 is Bharat's brother, the applicant No.2 is applicant No.1's wife and applicant No.3 is applicant No.1's son.

4. The First Information Report (for short 'F.I.R.') is lodged by widow of the deceased. She has stated that the family of the deceased had civil dispute with the family of the applicants in respect of a land. The dispute was pending in the court at Sinnar. About a month prior to the incident, the court had given its decision. It is alleged in the F.I.R. that the applicant No.1 did not accept the decision and still obtained more land in his possession. The dispute, therefore, continued. It is alleged that the applicants used to continuously harass the family of the deceased and used to beat the family of the deceased. It is alleged that the applicants used to threaten the deceased of committing his murder and used to abuse him. On 06/11/2019 also the deceased was threatened by the applicant Nos.1 and 3. Ultimately, on 14/11/2019 the deceased committed suicide by hanging himself from a tree. On this basis, the F.I.R. is lodged.

5. Learned counsel for the applicants submitted that, assuming the averments in the F.I.R. to be true, no offence U/s.306

of I.P.C. is made out. At the highest, allegations are that the applicants were harassing the family of the deceased because of land dispute. He submitted that the applicants were on interim protection for a long period and, therefore, their custodial interrogation is not necessary. He further submitted that, now the charge-sheet is already filed and, therefore, nothing remains to be investigated.

6. Learned APP relied on the F.I.R. and statements of the witnesses recorded in the charge-sheet.

7. I have considered these submissions. The charge-sheet contains statements of the family members of the deceased. Besides that, other villagers are referring to the version given by the first informant and her family members. Therefore, the prosecution case does not travel beyond the allegations in the F.I.R. From the F.I.R. itself it is clear that there was a land dispute between two families and, therefore, they were angry with each other. However, the case of the first informant is that, it is the applicants' family who was constantly harassing, threatening and abusing the deceased, because of which he committed suicide.

Considering the averments in the F.I.R., it does show that harassment was caused to the deceased but the allegations fall short of the requirements of section 107 and 306 of the I.P.C. The applicants are on interim protection since December, 2019 and, therefore, after such a long period, their custodial interrogation in the facts of the case is not necessary. They can be protected by an order of anticipatory bail. The charge-sheet is already filed, therefore, investigation is also complete.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 248 of 2019 registered at Wavi Police Station, Nashik Rural, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)