

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 718/2021

(Amol S/o Vishwanath Shingnath Vs. State of Maharashtra)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri M. Rai, Advocate for applicant.
Shri S. M. Ghodeswar, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 17.11. 2021.

Heard.

2. At the instance of report lodged by the brother of deceased dated 02.09.2021, the Crime was registered for offence punishable under Section 306 of the Indian Penal Code. It is the prosecution case that deceased Manoj was serving as Recruitment Officer for SIS Company of which the applicant was working as a Manager. It is stated that the applicant was insisting deceased to complete the target and also demanded additional amount of Rs. 20,000/-. Moreover, the applicant allegedly threatened deceased to remove from

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service. Hence, on 06.08.2021 deceased committed suicide by way of consuming insecticide, hence report.

3. Learned counsel for the applicant would submit that even if the contents of First Information Report (FIR) are taken as its stand, it does not amount to instigate the deceased to commit suicide. Prima facie, it reveals that the applicant was Superior Officer who insisted his subordinate to complete target during course of employment.

4. The State in resistance, filed copy of suicide note and WhatsApp message sent by deceased. On reading suicide note, it reveals that the applicant insisted deceased to deposit certain money and due to fear of defamation, he has taken step to end his life.

5. True, the suicidal message bears name of applicant, however during trial, it has to be established that the act of accused done during

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employment amounts to sufficient instigation to commit suicide. The intention on the part of the applicant has to be established which is matter of trial. Moreover, there is delay of 26 days in lodgement of report. Having regard to the nature of crime, the purpose would be served, if the applicant is directed to join the course of investigation by protecting his liberty. Hence, following order:-

(I) Application stands allowed and disposed of.

(II) Ad-interim order dated 27.10.2021 is hereby made absolute upon same terms and conditions.

(III) Henceforth, the applicant shall continue to attend Police Station on every Sunday in between 11.00 a.m. to 02.00 p.m. till filing of charge-sheet or for the period of 90 days which ever is earlier.

JUDGE