

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 ANTICIPATORY BAIL APPLICATION NO.258 OF 2022

HANMANT GOVINDRAO KUDGIR AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. H.V. Patil, Advocate for applicants

Mr. B.V. Virdhe, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd MARCH, 2022

ORDER :

1 The applicants are apprehending their arrest in connection with Crime No.21/2022 dated 22.01.2022 registered with Mukhed Police Station, Dist. Nanded, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. H.V. Patil for applicants and learned APP Mr. B.V. Virdhe for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report lodged by the son of the

deceased would show that the deceased was a retired Teacher. He committed suicide at about 1.00 p.m. on 10.12.2021, First Information Report has been lodged on 22.01.2022, therefore, there is apparent delay in lodging the First Information Report and the said delay has not been apparently explained in the First Information Report. It is also stated that after the suicide, inquiry under Section 174 of the Code of Criminal Procedure was conducted vide A.D. No.75/2021. In spite of that why there is delay, is a question and it is stated that the deceased had left a suicide note. Another fact to be noted is that the suicide was committed by jumping into the well and when the dead body was taken out, the police as well as the informant had seen the suicide note in the shoe of the deceased. This is basically the surprising fact, whether that could have been readable when it was supposed to be soaked in water, is a question. Another fact to be noted is that in the said note it was stated that he had kept his land bearing Gat No.547 with applicants, as he was in need of amount of Rs.50,000/-. He was supposed to return the amount and the applicants were supposed to redeem the mortgage thereafter. Within six months he had repaid Rs.50,000/- principal amount with Rs.15,000/- interest and in spite of requests when his land was not given, it was stated that he is committing suicide. Photo copy of the document has been produced in respect of said land which is stated to have been executed on 27.10.2008. If the amount was so repaid within six

months from 27.10.2008 and thereafter the land was not given back to the deceased, then, whether its cause of action or reason would last till 10.12.2021, is a question. Prima facie it can be said that there is no connection between the death of deceased Balaji with the transaction that had taken place on 27.10.2008. The best option was available for him to file suit for redemption of mortgage if according to him, it was a mortgage transaction. Police papers also do not make it very clear as to why the police had not lodged any report, immediately after the suicide note was seized. If we peruse the spot panchnama executed on 10.12.2021, it mentions a chit in the shoe but the contents thereof have not been mentioned in the panchnama. The question is raised, as to whether the chit i.e. seized as suicide note is the same as shown in the spot panchnama. Taking into consideration these aspects the applicants deserve anticipatory bail. This Court had granted interim protection to the applicants on 09.03.2022, that deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

- 1 Application stands allowed.
- 2 The ad-interim protection, granted by this Court earlier to

applicants vide order dated 09.03.2022, is hereby confirmed and made absolute. In other words, if the applicants are not formally arrested, in the event of arrest of the applicants viz. **1) Hanmant Govindrao Kudgir** and **2) Vijaykumar Govindrao Kudgir**, in connection with Crime No.21/2022 dated 22.01.2022 registered with Mukhed Police Station, Dist. Nanded, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860, they be released on P.R. of Rs.50,000/- (Rupees Fifty Thousand only) each with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3 Applicants shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

4 They should cooperate with the investigation and shall attend Mukhed Police Station, Dist. Nanded, on every Monday and Thursday between 10.00 a.m. to 02.00 p.m., till filing of charge sheet.

(**Smt. Vibha Kankanwadi, J.)**

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