

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

20 BAIL APPLICATION NO.1743 OF 2021

Nutan W/o Sudhakar Bane
Age: 60 years, Occu.: Retired,
R/o. B-29/1, Sarkari Vasahat,
Bandra (E), Mumbai.
At present R/o. Tamaswadi,
Tq.Parola, Dist.Jalgaon.

..Applicant
(Orig. Accused)

VERSUS

The State of Maharashtra
Through Parola Police Station,
Taluka and District Jalgaon.

..Respondent

...
Advocate for Applicant : Shri Chaitanya C. Deshpande
APP for Respondent : Shri G.O.Wattamwar

...
CORAM : M.G.SEWLIKAR, J.

DATE: 8th February, 2022

PER COURT :-

1. By this application, applicant is seeking enlargement on bail in Crime No.0224 of 2021, registered with Parola Police Station, District Jalgaon, under Sections 306, 504, 506 read with Section 34 of the Indian Penal Code.

2. The allegations made in the FIR are that applicant was working in Mantralaya. Her maternal place is Tamaswadi, Tq.Parola, District Jalgaon. Applicant used to visit the house of

the informant. Deceased Nandkishor Dhondu Patil was the husband of the informant. It is alleged in the FIR that in the year 2017-2018 applicant had been to the house of the informant. She said to the deceased that she would give employment in the Government Sector to the villagers who are unemployed. For that, some amount would be required to be paid to her. Since she was working in Mantralaya, deceased Nandkishor believed her. With the intervention of deceased Nandkishor, amount was paid to the applicant by Shivaji Amrut Pawar, Bhaiya Bhimrao Sayaji, Sharad Bhatu Patil, Bhatu Waman Patil, Yogesh Prakash Patil, Prakash Atmaram Patil and Vishal Prakash Khairnar. Despite receiving the amount, no job was offered to any of these persons. Therefore, all these persons started harassing the deceased.

3. On 10th June, 2021 at 10:00 p.m. Shivaji Amrut Pawar had been to the house of the informant in drunken condition. The said Shivaji Amrut Pawar abused the informant and her mother-in-law by the name of Kokilabai and demanded the money which he had paid to Nandkishor. This incident was narrated to the deceased by the informant. Deceased many a times requested applicant to return the amount to the villagers. Instead of returning the amount, applicant started threatening the

deceased saying that she would get him dismissed. Because of the harassment of these people, deceased Nandkishor committed suicide on 13th June 2021 at 08:00 a.m. in the field by consuming pesticide. Before lodging the FIR, he had left a suicide note and had shot a Video Clip which he had forwarded to his cousin Kiran Prabhakar Borase. On these allegations, FIR came to be lodged against the applicant and other accused under the aforesaid Sections.

4. I have heard Shri C.C.Deshpande, learned counsel for the applicant and Shri G.O.Wattamwar, learned APP for the respondent-State.

5. Shri Deshpande, learned counsel for the applicant submits that applicant is a lady. The video recording and the suicide note do not indicate that applicant had acted as a Mediator between the applicant and those persons. He submits that application came to be rejected by the Sessions Court only on the ground that applicant did not cooperate in the investigation. He submits that entire investigation is complete and charge-sheet is likely to be filed in near future.

6. Shri Wattamwar, learned APP for the respondent-State

submits that the suicide note, video recording and the FIR, if they are read together, it clearly shows that the deceased Nandkishor had acted as a Mediator. Though amount was directly paid by the aspirants to the applicant, it was paid as deceased had acted as a Mediator. These aspirants and applicant started harassing the deceased. The harassment was to such an extent that he was left with no other alternative than to commit suicide. Offence is serious in nature. Charge-sheet is not filed. Therefore, applicant may not be released on bail.

7. Perused the investigation papers. On perusal of the suicide note, it is seen that the deceased has nowhere said that he acted as a Mediator. The suicide note does not show that the aspirants paid the amount to the applicant on account of the mediation made by the deceased. In the suicide note, there is only one line against the applicant to the effect that applicant and the deceased were knowing each other and therefore, the other accused/aspirants started harassing him. Suicide note shows that principal allegations are against Shivaji Amrut Pawar, Bhaiya Bhimrao Sayaji, Sharad Bhatu Patil, Bhatu Waman Patil, Prakash Atmaram Patil and Yogesh Prakash Patil. Suicide note also shows that Shivaji Amrut Pawar had been to his house on 10th June, 2021 at 10:00 p.m. and had threatened his wife that

she would be killed. The other allegations are against other aspirants/accused.

8. Similarly in Video recording also applicant had no where stated that he acted as a Mediator between applicant and the other accused persons. In this view of the matter, the evidence is scanty to show that the applicant wanted to bring about the suicide of the deceased. Applicant has no criminal antecedents. Offence is not punishable with death or imprisonment for life.

9. Shri Deshpande, learned counsel for the applicant states that the applicant has retired from service. She is not likely to flee from justice. In this view of the matter and since investigation is almost complete, I am inclined to release the applicant on bail. Hence, the order.

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.40,000/- (Rs.Fourty thousand only) with one solvent surety in the like amount, in connection with Crime No.0224 of 2021, registered with Parola Police Station, Dist.Jalgaon, under Sections 306, 504, 506 read with Section 34 of the Indian Penal Code and on condition that she shall not interfere in

the investigation and shall remain present before the Investigating Officer on every Monday and Thursday between 12:00 Noon and 04:00 p.m. till filing of the charge-sheet.

iii) Bail Application is disposed of.

iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT