

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

BAIL APPLICATION NO. 4219 OF 2021

Ramesh Mohan Yadav and Anr.	...	Applicants
<i>Versus</i>		
The State of Maharashtra	...	Respondent

Mr. Aniket U. Nikam, a/w Amit Icham i/by Mr. Vivek N. Arote for the Applicants.

Mr. P. H. Gaikwad, APP for the State.

P.I. Sachin S. Jagtap, Karmala Police Station, Solapur (Rural)-Present.

CORAM : VINAY JOSHI, J.

DATE : 5th MAY, 2022

P.C. :-

1. This is an application for grant of regular bail in Crime No. 679 of 2021 registered with Karmala Police Station, Dist. Solapur for the offence punishable under Sections 306, 506 read with 34 of the Indian Penal Code (for short 'IPC').

2. At the instance of report lodged by son of deceased, crime was registered. The informant stated that on 22nd July, 2021, in the early hours he found that his father Baliram has committed suicide by hanging at their residential house. On scrutiny, it was found that there was a suicidal note in the pocket of the deceased. In said note, deceased has solely blamed both applicants as responsible for his suicide. The script of suicidal note has recorded in the FIR which reads as below :-

"रमेश मोहन यादव व हनुमंत आप्पा बागल (पप्पू) यांनी मी १४

लाख रुपये दिले तरीही जमीनीचा ताबा देत नाहीत उलट मलाच दोघेही दम देतात रानाकडे दिसला तर तुझा पाय काढू हात काढू म्हणून मी हे पाऊल उचलेले आहे"

3. After reading suicidal note, informant was of the belief that due to alleged cheating by both applicants, his father has committed suicide, therefore, the report.

4. The applicants' learned counsel would submit that even if the prosecution case is accepted as it stands, still it does not bare any element to constitute the "abatement" within the meaning of Section 107 of the IPC. The State while opposing bail has contended that suicidal note specifically points out the role of both applicants.

5. With the assistance of both sides, perused entire Police papers. None of the witness has stated that the applicants have either harassed or pressurised deceased at the instance of sale transaction. Admittedly, in the year 2019, applicant no.1 Ramesh has agreed to sell his undivided share in landed property to the deceased for which agreement to sale dated 13th June, 2019 was came to be executed. It reveals from the Police papers that the deceased time and again asked both applicants for specific performance of agreement to which the later denied. The deceased stated in suicidal note that though he paid Rs.14,00,000/- for purchase of land, however, the applicants denied to deliver possession as well as gave threats. Apparently, the transaction is of civil nature. The deceased was seeking for specific performance of contract, which is a usual affair. Besides, denial to execute Sale Deed, there are no allegations against the applicants, which cannot be construed as sufficient instigation to commit suicide.

6. *Prima-facie*, it reveals that the case of prosecution is even if accepted, does not spell out the criminal liability.

7. At this juncture, applicants' learned counsel upon instruction submitted that the applicants are ready to deposit Rs.3,00,000/- to show their bonafides. Already investigation is complete and charge-sheet has been filed.

8. Considering the nature of accusation, further detention of both applicants is unwarranted. In view of that following order :-

ORDER

- (a) Applicant stands allowed.
- (b) Applicants namely Ramesh Mohan Yadav and Hanumant Appasaheb Bagal, be released on bail in connection with Crime No. 679 of 2021 registered with Karmala Police Station, Dist. Solapur for the offence punishable under Sections 306 and 506 read with 34 of the Indian Penal Code, on their furnishing P.R. Bond of Rs.25,000/- each with one or two sureties in the like amount.
- (c) The applicants shall deposit a sum of Rs.3,00,000/- in the Trial Court upon which only Trial Court shall issue release warrant.
- (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (e) The above observations are made on *prima-facie* basis, which has no impact on the merits of the case.
- (f) Applicant stands disposed with above terms.

[VINAY JOSHI, J.]