

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2828 OF 2022

Madhukar Krishna Patil and ors .. Applicants

Versus

The State of Maharashtra .. Respondent

WITH

INTERIM APPLICATION NO.3499 of 2022

IN

ANTICIPATORY BAIL APPLICATION NO. 2828 OF 2022

Chandrakant Narayan Patil .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr. Jayant Bardeskar for the applicants.

Mr.B.A. Lawate for the intervenor/original complainant.

Mrs.Veera Shinde, APP for the State.

Mr.Kande Pandhari, PI from Thane Railway police station.

CORAM: BHARATI DANGRE, J.

DATED : 17th OCTOBER, 2022

P.C:-

1 The applicants are arraigned as accused in C.R.No. 1268/2022 which was registered with Thane police station when one Pralhad Patil committed suicide on 10/9/2022 and a chit was recovered from him where he named 13 persons as being responsible for his act. The applicants are apprehending their arrest in the said C.R.

Tilak

I had an opportunity to deal with the application filed by the three applicants whose name also found place in the same chit, and who are admitted to protection from arrest in the wake of the law revolving around Section 306 IPC being settled by the Apex Court in case of *Arnab Goswami Vs. State of Maharashtra and ors, 2021(2) SCC 427*.

2 Relying upon the earlier decision of the Court in case of *Ude Singh Vs. State of Haryana, 2019 (17) SCC 301*, where it was held that in the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act/s of incitement to the commission of suicide.

Mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence.

3 The necessary ingredient of Section 306 of IPC being abetment and intention of the accused to aid or instigate, or to abet the deceased to commit suicide.

4 In the wake of the aforesaid authoritative pronouncements, at the hands of the highest Court of this country, when I look to the chit dated 10/9/2022, definitely fall short of the said test. The deceased scribe a chit, alleging that

there are some villagers in the village who have compelled him to commit suicide and he scribe the name of 13 persons.

5 The learned APP place on record a notarized document dated 16/6/2021 where he has stated that one case no.569/2010 is going on, against his brother and 8 named persons are pressurizing him not to give his evidence.

He also state that the above mentioned persons are argumentative in nature and he apprehend threat to his life.

6 Considering the proximity of the said affidavit/notarized document, and the date of the deceased taking the extreme step on 10/9/2022, I do not think that the ingredients of Section 306 of the IPC are made out, as there is no direct or indirect instigation/incitement at the instance of the applicants for the deceased taking the step.

The applicants therefore, deserve a similar treatment, as the applicants who are released on bail in the event of their arrest on 6/10/2022.

7 Observations made above are prima facie in nature and limited for the purpose of adjudication of the present applicants, and shall in no way, bind the Sessions Judge while he is trying the applicants for the offence with which they are charged.

Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant no.1 Madhukar Krishna Patil, applicant no.2 Dattatray Krishna Patil and applicant no.3 Harshal Dattatray Patil in connection of C.R.No.1268/2022 registered with Thane Railway police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.
- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicants shall report to the concerned police station on 20th and 21st October 2022 and thereafter as and when called.

The Application is allowed in the aforestated terms.

In view of the disposal of ABA No.2828/2022, IA No.3499/2022 do not survive and is disposed off.

(SMT. BHARATI DANGRE, J.)