

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 653 OF 2023

1]	Kalpana w/o Tukaram Rasal	
2]	Sangita w/o Dinkar Kolhe	
3]	Dinkar s/o Asaram Kolhe	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

....
Mr. P. A. Bharat – Advocate for the applicants
Mrs. Geeta L. Deshpande – APP for respondent/State
....

AND
ANTICIPATORY BAIL APPLICATION NO. 576 OF 2023

	Ajinath Gorakh Jagdale	...Applicant
	Versus	
	The State of Maharashtra	...Respondent

....
Mr. P. A. Bharat – Advocate for the applicants
Mrs. Geeta L. Deshpande – APP for respondent/State
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CORAM : R. M. JOSHI, J.
DATE : 04th JULY, 2023

PER COURT :

1. The applicants apprehend arrest in connection with Crime No.263 of 2023 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offence punishable under Sections 306, 504, 506 r/w 34 of the Indian Penal Code.

2. The informant is father of the deceased - Akshay, who committed suicide on 12.03.2023. It is the contention of the informant that he has strained relations with his wife and that she had illicit relations with another person i.e. applicant in Anticipatory Bail Application No. 576 of 2023. On this count, she started staying separately with younger son. He further contended that on 11.03.2023, Akshay went to meet his mother i.e. applicant no.1- Kalpana in Anticipatory Bail Application No. 653 of 2023 and at that time she along with co-accused threatened him and told him not to come back to their house. There is another allegation made against the person with whom the mother of the deceased is allegedly having illicit relations. It is the contention of the informant that on account of the threats given by the applicants, his son committed suicide.

3. The learned advocate for the applicant states that even if the statements made in the First Information Report are accepted in their entirety, no case is made out for abetment to commit suicide.

4. The learned APP opposes the application.

5. Prima facie perusal of the FIR shows, except the allegation that on 11.03.2023 the deceased was told not to come to Dahigaon for meeting his mother, there is no other allegations made against them. Even if the said allegations are accepted, it can hardly become reason for someone to commit suicide. Apart from this, no intention can be attributed to the applicants that they were intending the deceased to commit suicide by saying so. As far as the mother of the deceased is concerned, the report indicates that in fact she had asked the deceased to stay with her. This statement by no stretch of imagination can be considered to be the abetment to suicide. As far as the applicant - Ajinath is concerned, the allegation against him is that he had disclosed to the deceased about relationship with his mother and has told him that he can maintain him. This act also cannot be considered as an abetment to the commission of suicide as the deceased had knowledge about the said relationship, as it appears from the FIR. Hence, the applications are allowed in terms of interim relief granted by this Court vide order dated 28th April, 2023 in Anticipatory Bail Application No. 653 of 2023.

[R. M. JOSHI]
JUDGE

GGP