

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

**ANTICIPATORY BAIL APPLICATION NO.872 OF 2023
WITH ABA/929/2023**

**DASHRATH LAXMAN PAWSE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. V. R. Gadekar & Mr. U. N.
Najan
APP for Respondents: Mr. S. P. Sonpawale
...

CORAM : R.M. JOSHI, J

DATE : JULY 12, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 154 of 2023 registered with Pachod Police Station, Dist. Aurangabad for the offences punishable under Sections 306, 143, 323 of the Indian Penal Code.

2. Informant is the wife of the deceased Dadasaheb who committed suicide on 03.05.2023. It is alleged in the report that on 29.04.2023 her husband was called upon by one Dashrath Pawse. At about 11.00 pm her husband came back home and informed her that he is abused and assaulted by present Applicants. Deceased told her that he felt insulted by said act. Thereafter on 03.05.2023 it was revealed that husband of the

informant committed suicide.

3. Learned Counsel for the Applicants states that except for the alleged incident occurred on 29.04.2023, there is no other incident recorded against Applicants in order to infer that they had intention or mens rea for abetting deceased to commit suicide.

4. Learned APP opposed the application by contending that apart from FIR there is statement of witnesses who also states that he was called by the deceased to inform that he felt insulted by the said incident of assault.

5. In order to attract the offence punishable under Section 306 *prima facie* there has to be intention seen of the Applicants to abet or instigate the deceased to commit suicide. Even if it is accepted that on 29.04.2023 some incident has occurred wherein the deceased as well as Applicants were drunk and there was incident of assault caused by the Applicants, such isolated incident cannot be termed as instigation for the deceased to commit suicide.

6. In view of the above, liberty of the Applicants is protected. Hence, applications are allowed. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicants in connection with with C.R. No. 154 of 2023 registered with Pachod Police Station, Dist. Aurangabad for the offences punishable under Sections 306, 143, 323 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one solvent surety in the like amount.
- (ii) They shall attend the concerned police station as and when required.
- (iii) They shall not contact the prosecution witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.
- (v) They are further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani