

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 841 OF 2023

Vishwajeet s/o Mahesh Dongare Applicant

Versus

The State of Maharashtra Respondent

Mr. C. C. Deshpande, Advocate holding for Mr. S. P. Urgunde,
Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

WITH

ANTICIPATORY BAIL APPLICATION NO. 933 OF 2023

1. Rajeshri Rajendra Tad

2. Dhanashri Laxmikant Tad Applicants

Versus

The State of Maharashtra & another Respondents

Mr. Mr. Tushar Shinde, Advocate holding for Mr. C. K. Shinde,
Advocate for the applicants.

Mrs. G. L. Deshpande, APP for the State.

WITH

ANTICIPATORY BAIL APPLICATION NO. 934 OF 2023

1. Sanjay s/o Gajanan Tad

2. Dnyaneshwar s/o Laxmkant Tad Applicants

Versus

The State of Maharashtra & another Respondents

Mr. C. K. Shinde, Advocate for the applicants.
Mrs. G. L. Deshpande, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 935 OF 2023

Swaraj s/o Suryakant Tad

Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. Tushar Shinde, Advocate holding for Mr. C. K. Shinde, Advocate
for the applicants.
Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 21st JUNE, 2023.

PER COURT :

1. Applicants are apprehending arrest in connection with Crime No. 290/2023 registered with Vivekanand Chowk Police Station, Dist. Latur, for the offences punishable under Sections 305, 324, 294, 504, 506 read with Section 34 of the Indian Penal Code.
2. Jyoti Raje, informant, reported to the police that she is staying with her son and daughter at Latur. She narrated the incident occurred on 19th April, 2023 wherein her daughter informed

her about a girl (JCL) coming to their house and there was quarrel between them. It is stated that along with that girl, her brother Swaraj and others i.e. Dnyaneshwar Chavan and Vishvas Dongre came to the house and there occurred quarrel between them. The quarrel was over sending of abusive messages by daughter of informant to that girl. On 18th April, 2023, daughter of the informant went to the house of that girl and at that time she along with her brother assaulted her. Her brother pushed her on a motorcycle due to which she sustained burn injuries on coming contact with heated silencer of the motorcycle. At that time, she called her friend Aditya who took her to the hospital. It is alleged that Dnyaneshwar was threatening her as to whether she has lodged complaint to the police and if any such complaint is lodged, he will take action against her.

3. Informant narrated incident occurred on 21st April, 2023 in which she was called by the applicants to the office of mediator Pandurang Kishve and he assured of intervention in dispute. On 22nd April, 2023, informant along with her daughter went to the house of girl (JCL) and at that time, they were abused and threatened. Thereafter on 25th April, 2023, informant went to the office of said Kishve wherein they abused in filthy language to her

and her daughter. They threatened her of terminating her service claiming that they are influential persons. She was also compelled to give writing to the effect that henceforth there would be no harassment caused to the girl (JCL) and her brother from informant or her daughter.

4. Informant after coming back home, narrated the incident to her daughter. She got scared and said to the informant that because of her, she is required to face insult in the society and that they are going to ensure her removal from service. Thereafter, on 27th April, 2023, daughter of the informant committed suicide. Informant has alleged that present applicants have abetted the act of commission of suicide by her daughter and hence, offence is registered against them.

5. Learned counsel for the applicants states that there is delay in lodging First Information Report which creates possibility of false implication. It is submitted that in any case, the alleged dispute of deceased was with the girl (JCL) who is aged about 17 years and that she is already arrested and released on regular bail. It is submitted that her brother is aged about 14 years and therefore,

there was no reason or justification for the Sessions Court to reject bail for the reason that he is likely to influence and pressurise the witnesses. As regards other applicants, it is contended that in the alleged incident occurred on 25th April, 2023, no one has threatened deceased or insulted her in any manner. It is submitted that it is clear from First Information Report that she committed suicide as she felt herself to be responsible for the insult of her mother. It is submitted that there is no proximity in commission of suicide and the alleged acts of present applicants.

6. Learned APP opposed the applications with the contention that First Information Report is elaborate which indicates that on 19th April, 2023 as well as on 22nd April, 2023, the brother of the girl (JCL) had beaten and threatened daughter of the informant. It is submitted that all the applicants called informant to the office of Pandurang Kishve and there she was abused, insulted and threatened. Thus, according to him, there is sufficient material to indicate that it is a case wherein applicants have abetted commission of suicide by the deceased.

7. It appears from the statement of the friend of deceased that there was a dispute between deceased and girl (JCL) over friendship with him. As far as allegation against applicant Swaraj is concerned, it indicates that when there was quarrel between his sister and deceased, he pushed deceased and she appears to have fell on the motorcycle. Burn injuries were caused due to coming into contact with the heated silencer of the motorcycle. Therefore, it cannot be said that there was any intentional causing of burn injuries to the deceased at that time. As regards incident dated 25th April, 2023 is concerned, it seems that deceased was not present at the said place. First Information Report indicates that deceased expressed to her mother that because of her she is required to face insult in the eyes of people. Thus, there is possibility that this guilt could be the reason for commission of suicide by her. As regards incident dated 25th April, 2023, the statement of independent witness who happened to be present in the office of Pandurang Kishve does not indicate occurrence of any quarrel or abuses etc.

8. As far as obtainment of writing from informant is concerned, said writing has already been seized by police. Thus, this is not a case wherein anything is to be recovered at the instance of

present applicants. No doubt, it is unfortunate that a girl has committed suicide which was preceded by the incident of quarrel between two young girls. In order to attract offence punishable under Section 306 of the Indian Penal Code, there must be positive act of aiding or abetting commission of suicide. In absence of any material to indicate that present applicants had intention to cause harassment to the deceased so that she would commit suicide, their liberty deserves to be protected. Hence, the following order :-

ORDER

- (i) Applications are allowed.
- (ii) In the event of arrest of applicants in connection with Crime No. 290/2023, registered with Vivekanand Chowk Police Station, Dist. Latur, for the offences punishable under Sections 305, 324, 294, 504, 506 read with Section 34 of the Indian Penal Code, they be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one solvent surety each in the like amount.
- (iii) They shall attend the concerned police station once in a week.

(iv) They shall not contact the witnesses directly or indirectly.

(v) They shall not interfere with the evidence in any manner whatsoever.

(vi) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

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