

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

ANTICIPATORY BAIL APPLICATION NO.989 OF 2023

CHHAYABAI MAHADEV KAMBLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. S. E. Shekade
APP for Respondents: Mr. S. N. Morampalle
Advocate for informant to assist APP: Mr. T. M. Tandale

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CORAM : R.M. JOSHI, J

DATE : JULY 18, 2023

PER COURT :

1. Learned APP waives service of notice on behalf of Respondent No. 2.

2. Mr. T. M. Tandale states that he has instructions to appears on behalf of informant to assist APP.

3. Having regard to the nature of office, permission is granted.

4. Applicants are apprehending arrest in connection with Crime No. 101/2023 registered with Ambhora Police Station, Dist. Beed for the offences punishable under Sections 306, 323, 504, 506 read with Section 34 of the Indian Penal Code.

5. Informant, daughter of deceased, lodged report to the police on 02.06.2023 stating that an incident occurred on 21.05.2023 wherein the Applicants alleged against her father that he committed theft of the ornaments of one Chayabai. At that time, he was abused and beaten by them. The said quarrel was intervened by Raosaheb Kamble. On 23.05.2023 Chayabai lodged report against father of the informant for commission of theft of the ornaments. It is contended that due to lodging of false case, deceased committed suicide.

6. Learned Counsel for the Applicants states that the lodging of the report cannot become abetment to commit suicide.

7. Learned APP and learned Counsel for the informant opposed the application by contending that on account of beating received at the hands of present applicant and also lodging of false report, the suicide is committed by the deceased and it amounts to abetment. Learned Counsel for the informant states that on the very same day complaint was lodged by the informant but no cognizance thereof was taken by the police.

8. Perusal of the FIR as well as the investigation papers indicates that except for the allegation that on 21.05.2023 the present Applicants alleged against deceased about commission of theft and on that count he was beaten with fist and kick blows. Thereafter on 23.05.2023 report was lodged to the police in respect of the theft of ornaments by him. By no stretch of imagination it cannot be held that lodging of the report with police would amount to abetment in commission of suicide by deceased. Pertinently the incident in question has occurred on 21.05.2023 whereas the report is lodged on 02.06.2023. Even accepting the contention of the informant that she lodged the report on the very same day but the cognizance was not taken by police to be true, no offence punishable under Section 306 IPC can be attracted against Applicants. Other offences are bailable in nature.

9. In view of above, application is allowed by confirming order dated 26th June, 2023.

(R.M. JOSHI, J.)