

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 990 OF 2023

Dhanu @ Satish s/o Yashwant Kolpe Applicant

Versus

The State of Maharashtra Respondent

Mr. N. S. Ghanekar, Advocate for the applicant.
Mr. G. O. Wattamwar, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 992 OF 2023

Nana @ Nanasaheb s/o Bhimaji Kolpe Applicant

Versus

The State of Maharashtra Respondent

Mr. N. S. Ghanekar, Advocate for the applicant.
Mr. G. O. Wattamwar, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 991 OF 2023

Dada @ Dadasheb Dharbapu @ Dharu Kolpe Applicant

Versus

The State of Maharashtra Respondent

Mr. N. S. Ghanekar, Advocate for the applicant.
Mr. G. O. Wattamwar, APP for the State.

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

PER COURT :

1. Heard.
2. Applicants are apprehending arrest in connection with Crime No. 204/2023 registered with Belwandi Police Station, Tq. Shrigonda, Dist. Ahmednagar, for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code.
3. First informant Laxman i.e. father of deceased Anand gave report to the police by stating that Anand had love relationship with one girl. On that count, her relatives used to beat him and they had lodged complaint against Anand in the police station. On 29th May, 2023, informant found that his son committed suicide by hanging himself.
4. Learned counsel for the applicants has drawn attention of the Court to the N.C.R. recorded by the said girl against deceased as well as First Information Report recorded vide Crime No. 124/2023 registered with Shirur police station, dist. Pune wherein it

was alleged against the deceased that he used to cause obstruction in the fixation of marriage of the said girl by showing their photographs taken together. It is contended that on the basis of the allegations made in the First Information Report, it cannot be said that the present applicants had abetted the act of commission of suicide by the deceased.

5. Learned APP opposed the application by mainly relying upon the suicide note left behind by the deceased wherein it is stated that the present applicants used to harass him by stating that they had helped in killing his sister and that they will kill him likewise. It is also alleged that applicant Dada had threatened him to kill by pointing pistol on his head. He, however, survived the said assault. Learned APP submits that these allegations are more than sufficient to show that the deceased was harassed by these persons. As far as contention of learned counsel for the applicant about variance in the First Information Report and the chit left behind by the deceased is concerned, it is submitted that the statement of the deceased needs to be considered over the statement made by the first informant.

6. Perusal of the First Information Report shows that the deceased had love relationship with the girl. It is alleged that on that count, the relatives of the said girl used to beat the deceased. As against this, the suicide note left behind by the deceased indicates that for altogether different reasons, applicants used to harass him. Apart from these facts, it is pertinent to note that the said girl has lodged non-cognizable complaint against the deceased so also report was lodged at Shirur police station vide Crime No. 214/2023. Perusal of the said report clearly indicates that there was no love relationship between the deceased and the girl. Lodging of report by the girl against the deceased would have been the reason for the deceased to commit suicide. At this stage of anticipatory bail, the Court is not required to record any finding as to whether the chit left behind by the deceased is to be given preference over the First Information Report. Suffice it to say that there are contradictions in the version of informant and the chit left behind by the deceased. Coupled with the fact that there are reports lodged by the girl against the deceased, it can be a case of commission of suicide for different reasons altogether than those mentioned in the First Information Report or suicide note. Applicants are not likely to flee. Their

custodial interrogation is not necessary. Hence, applications are allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dwb