

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1427 OF 2023**

Yogesh Parmeshwar Metkari,
Age: 27 years, Occupation: Agriculture & Driver,
R/o. Pithapuri, Tq. Paranda, Dist. Osmanabad ..Applicant

Versus

The State of Maharashtra,
Through Officer Incharge,
Police Station Bhoom, Dist. Osmanabad ..Respondent

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Mrs. Ashwini A. Lomte h/f Mr. S. J. Salunke, Advocate for the
Applicant.
Mr. S. P. Deshmukh, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 24th AUGUST, 2023.

PER COURT:-

1. Heard learned counsel for the applicant and learned
APP for the State.

2. The applicant is seeking bail in Crime No.157/2023
registered with Bhoom Police Station, Dist. Osmanabad for the
offence punishable under Section 306, 323, 504, 506, 34 of the
Indian Penal Code.

3. The investigation is set in motion on complaint given
by one Shama Dawood Pathan. She alleges that her son Fayyaj
was working as driver with accused Dr. Nandkumar Swami.
Thereafter, said Dr. Nandkumar Swami was arrested in
pursuance of the criminal prosecution under Pre-Conception &
Pre-Natal Diagnostic Techniques Act, 1994 (for short 'PCPNDT

Act'). It is further alleged that at the instance of said Dr. Nandkumar Swami demand of the alleged dues was raised from deceased and family members and they were pressing for the same. It is alleged that the deceased and the family members were apprehended it lodging false prosecution. Finally on 21.06.2023 Fayyaj committed suicide by hanging. The case of the prosecution is that the suicide of the Fayyaj was abated by accused person named in the FIR.

4. The applicant is not named in the FIR, however, he has been incorporated as accused as per the Remand Application dated 24.06.2023. It is alleged that the applicant was driver on a car, which was used by other accused while deceased was threatened. No other role is attributed against the applicant.

5. The learned Advocate appearing for the applicant would submit that offence of abatement of suicide cannot be made out against the applicant. The allegations in the FIR are against the Dr. Nandkumar Swami and his family members. The applicant is unconcerned with them. She would submit that the accused named in the FIR is arrested. The applicant is behind the bar since 24.06.2023. The investigation in the matter is practically over and further detention of the applicant would not be necessary.

6. Per contra, learned APP opposes prayers. He would submit that the statement of Dawood Pathan i.e. father of the deceased shows that the applicant was in the company of the persons, who gave threats to deceased. Similar version appears in the statement of Yasmin Pathan i.e. wife of the deceased. He

would, therefore, submit that the applicant has played active role which cannot be segregated from other accused. As such, he urges to reject the prayers.

7. Having considered the submissions advanced, apparently entire allegation in the FIR revolves around Dr. Swami and his family members. It appears that, at the behest of Dr. Nandkumar Swami the deceased was asked to clear certain dues and there was some dispute about such settlement. Other accused persons persuaded the deceased for payment of the amount till the date he committed suicide. The role of the applicant is only stated to be in the incident dated 20.06.2023, when the deceased and his family members had been to the police station and persons alighted from the car driven by the deceased gave threats to deceased and his family members. No specific attributes regarding the role of the applicant can be gathered from the record. *Prima facie*, evidence is short to link applicant with suicidal death of the deceased. The applicant is behind the bar since more than two months. His detention would not be necessary for any purpose. No criminal antecedents noticed to Court. As such, case is made out for grant of bail on certain condition. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Yogesh Parmeshwar Metkari be released on bail in Crime No.157/2023 registered with Bhoom Police Station, Dist. Osmanabad for the offence punishable under Section 306, 323, 504, 506, 34 of the Indian Penal Code on executing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. He shall attend the Trial Court on every date.
 - c. He shall not leave State of Maharashtra without intimation to the Police Station.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE