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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.200 OF 2022

Gopal Kishan Jagtap

APPLICANT

VERSUS

Lalitadas Bhavanidas Deshpande and Another

RESPONDENTS

WITH
APPLICATION FOR CANCELLATION OF BAIL NO.201 OF 2022

Gopal Kishan Jagtap

APPLICANT

VERSUS

Kiran Kishanrao Narsikar and Others

RESPONDENTS

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Mr. Avinash R. Borulkar, Advocate for the applicant

Mr. V. S. Badakh, APP for respondent - State

Mr. S. S. Gagakhedkar, Advocate for respondents - Accused

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WITH
APPLICATION FOR CANCELLATION OF BAIL NO.202 OF 2022

Gopal Kishan Jagtap

APPLICANT

VERSUS

Rajabhau Venkateshrao Deshmukh and Another

RESPONDENTS

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Mr. Avinash R. Borulkar, Advocate for the applicant

Mr. V. S. Badakh, APP for respondent - State

Mr. Sachin S. Deshmukh, Advocate for respondent No.1

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 8th FEBRUARY, 2023

ORDER :

1. By these applications, filed under section 439 (2) of the Criminal Procedure Code, the applicant seeks cancellation of anticipatory bail granted in favour of the respondent – accused on 19th September, 2022 and 23rd September, 2022 by the learned Sessions Judge, Hingoli in Crime No. 121 of 2022 registered with Narsi Police station, District – Hingoli for offence punishable under sections 306, 506, 34 of the Indian Penal Code.

2. The applicant has lodged FIR on 14th September, 2022 alleging that his family is serving as Sevak in Ghotadevi temple. His elder brother Rajesh expired six months before. He was working as priest. His family members are priests of the said temple, since generations. On 9th September, 2022 they had given application to Tahsil Office, requesting to appoint his brother Gajanan in place of Rajesh as priest of the said temple. Respondent accused being managing committee members of the said Trust, opposed said application, by suggesting stringent conditions, which were not acceptable to the informant and his brother. Accordingly, it was decided that the application will be considered in the next meeting. The respondents – accused, thereafter started threatening his brother. On 13th September,

2022, at 10.00 a.m. respondent – accused (Chairman) came in the temple and threatened the informant and his brother Gajanan that they should accept the terms and conditions suggested by the Managing Committee, otherwise their entire family would be eliminated. His brother Gajanan had told him that he is afraid of the Managing Committee members of the Trust. On 14th September, 2022, Gajanan was found in hanging condition on the first floor of the temple. Suicide note was recovered from his shirt pocket in which he has stated that due to the mental harassment caused by the respondents – accused, he has committed suicide.

3. Heard learned advocate for the applicant, learned Additional Public Prosecutor for the State and the learned advocates for the respondent – accused. Perused the documents placed on record.

4. Learned advocate for the applicant as well as the learned Additional Public Prosecutor would urge that ingredients of abatement to commit suicide are clearly made out in the suicide note recovered from the person of deceased. Accused are guilty of abatement to commit suicide and therefore, the Sessions Court erred in granting anticipatory bail to the respondent – accused. They submit that taking into consideration the serious

allegations against the accused, anticipatory bail granted in their favour is liable to be cancelled, by setting aside the orders passed by the Sessions Court.

5. Learned advocates for the respondent – accused, on the other hand supported the orders passed by the learned Additional Sessions Judge. They submit that no ingredient of abatement to commit suicide are made out and, therefore, the Sessions Court was justified in granting anticipatory bail in favour of the respondent – accused.

6. Perusal of the investigation papers shows that *prima facie*, ingredients of abatement to commit suicide are not made out against the respondent – accused. Record further reveals that there was long standing dispute between the managing committee members of the Trust and the family members of the informant. On 9th September, 2022, a meeting was convened at Tahsil Office and in the said meeting it was decided that the application filed by the informant and his brother would be decided in the next meeting. No dispute and / or quarrel had taken place in the said meeting.

7. The Sessions Court has considered all these aspects and has rightly granted anticipatory bail in favour of the respondent

– accused.

8. The investigation appears to be almost complete and the charge sheet is likely to be filed in near future. Considering these aspects, I am not inclined to allow the applications. The applications are rejected.

[NITIN B. SURYAWANSHI]
JUDGE

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