



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

928 ANTICIPATORY BAIL APPLICATION NO. 1733 OF 2023

1. Tulshiram s/o Balaji Patale,
 2. Yadav s/o Balaji Patale,
 3. Prakash s/o Balaji Patale,
 4. Subhash s/o Rajaram Patale @ Bamne
-Applicants

Versus

The State of Maharashtra

..Respondent

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Advocate for Applicants : Mr. D. S. Patil h/f.
Mr. N. S. Kadam,
APP for Respondent – State : Mr. M. K. Goyanka

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WITH

ANTICIPATORY BAIL APPLICATION NO. 1719 OF 2023

Rama s/o Sambhaji Kamble

....Applicant

Versus

1. The State of Maharashtra
 2. The Superintendent of Police
- ...Respondents

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Advocate for Applicant : Mr. G. G. Suryawanshi
APP for Respondents – State : Mr. S. P. Sonpawale

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CORAM : R. M. JOSHI, J.

DATE : 15.12.2023

PER COURT :

1. The applicants apprehend arrest in connection with Crime No. 270 of 2023 registered with Mukhed Police Station, Dist. Nanded for the offence punishable under Section 306 read with 34 of the Indian Penal Code.

2. The informant namely Shreyas s/o Bhanudas Dasture deceased lodged report against the applicants. It is his contention that on 25.06.2023 at about 10.00 a.m. he got information about his father having consumed poisonous substance in the previous night. He went to hospital where his father was admitted. On 17.07.2023 a diary was found wherein a writing was made by the deceased naming present applicants alleging that owing to the acts of the applicants of not releasing water into his canal as well as keeping stones on the bandh, he is committing suicide. It is also alleged that said grievance exists for last two years.

3. Learned counsel for the applicants submits that not only there is delay in lodging of the report after the death of deceased but even after the knowledge of the death of the deceased by informant, no immediate complaint was made to the police. According to them even if the allegations made in the first information report are accepted, still the offence of abetment to commit suicide is not made out.

4. Learned APP opposed the application by the citing seriousness of the crime as well as the chit found on the person of deceased involving applicants in this crime.

5. In order to attract the offence under section 306 read with 34 of the Indian Penal Code, there has to be intention of the accused that the deceased should commit suicide owing to his acts. In the present case, even if it is accepted for the sake of argument that the allegations of not providing water and doing certain acts with regard to the agricultural field are accepted to be true, it is difficult to hold at this stage that these acts were to be done with an intention that the deceased should commit suicide. It further appears that the said dispute is subsisting for substantial period. Merely because the deceased was helpless or frustrated by the said dispute, committed suicide, the same cannot be attributed to the present applicants. There are no criminal antecedents against the applicants. They are not likely to flee from justice. Hence, applications are allowed in terms of the interim order.

(R. M. JOSHI, J.)

shp/-