

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

**BAIL APPLICATION NO.1839 OF 2023
WITH APPLN/3852/2023 IN BA/1839/2023**

1. Shivaji Shahaji Tanpure
Age: 35 years, Occu.: Agri,

2. Vishal Devidas Tanpure,
Age: 24 years, Occu.: Agri,

Both R/o. Gondardi, Tq. Karjat,
Dist. Ahmednagar.

..Applicants

Versus

1. The State of Maharashtra
Through its Investigating Officer,
Mirajgaon Police Station, Tq. Karjat,
Dist. Ahmednagar.

2. The Superintendent of Police,
Ahmednagar.

..Respondents

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Mr. N. B. Patekar, Advocate for the Applicants.

Mr. S. P. Deshmukh, APP for Respondents-State.

Mr. R. R. Karpe, Advocate for Complainant.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th OCTOBER, 2023.**

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.295/2023 registered with Mirajgaon Police Station, District Ahmednagar for the offences punishable under Sections 306, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the complaint given by Mangal Pradip Randive. She alleges that her husband had dispute on account of plot of house with accused

persons. Previously the offence is registered with Police Station Mirajgaon on that count. It is further alleged that on 29.08.2023 the accused persons had threatened the deceased. Thereafter, on 30.08.2023 at about 8.30 am the accused persons dragged the deceased/Pradip Randive from his house and assaulted him. Since then, he was in depressed mental condition and finally ended life by suicide on 04.09.2023. Based on such information Crime No.295/2023 is registered against the accused persons. The applicants who are shown as accused nos.2 and 6 in the FIR have been arrested on 12.09.2023. Since then, they are behind the bar.

3. The learned Advocate appearing for the applicants would submit that considering the contents of the FIR there is nothing to indicate that applicants had intentionally abated commission of suicide. He would invite attention of this Court to the representation made by the villagers pointing out the conduct of the victim. He was habitual drunker and creating nuisance under the threat of committing suicide. The learned Advocate appearing for the applicants would submit that the investigation in the matter is practically over. Further detention of the applicants would not be necessary. Hence, he urges to release the applicants on bail.

4. The learned APP for the State as well as Mr. Karpe, learned Advocate appearing for the complainant strongly oppose the prayer. They would point out that within close proximity of the suicide by the deceased, twice he was manhandled by accused persons. Therefore, there was proximity between the suicide and role played by the applicants.

5. Having considered submissions advanced, it can be gathered from the facts quoted in the FIR that there was some

dispute over the plot between the applicants and the deceased and even some quarrel occurred during one year before committal of suicide. However, from the contents of the FIR *prima facie* it cannot be inferred that the acts of the accused persons were intended to abate commission of suicide. On the other hand, it appears that the representation was submitted to the Police Station Mirajgaon dated 10.01.2023 by the villagers which is signed by approximately 45 person complaining about nuisance created by the deceased because of his habit of drinking. There is specific allegation that he threatens to commit suicide and implicate the villagers. Be that as it may. In view of the fact that the applicants have been arrested on 12.09.2023, the investigation in the matter is practically over. Further detention of the applicants would not be necessary. It is made clear that the observations made above are only for disposal of the present application. Hence, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Shivaji Shahaji Tanpure and Vishal Devidas Tanpure be released on bail in Crime No.295/2023 registered with Mirajgaon Police Station, District Ahmednagar for the offences punishable under Sections 306, 323, 504, 506 r/w 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicants shall not tamper with the prosecution evidence in any manner.
 - b. The applicants shall not enter village Gondardi, Tq. Karjat, Dist. Ahmednagar till filing of the charge-sheet.

(iii) Application is disposed of.

(iv) In view of disposal of the Bail Application, the Criminal Application No.3852/2023 is also disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/October-2023