



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2878 OF 2023

Devidas Namdev Limbole ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Manas Gawankar, for the Applicant.
Mr. M. G. Patil, APP for the State/Respondent No.1.

CORAM: N. J. JAMADAR, J.
DATED: 16th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.196 of 2023, registered with MIDC Police Station, Solapur, for an offence punishable under Section 306 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant is the brother of the deceased. The applicant is the uncle of the first informant and the deceased. On 7th March, 2023, the first informant was informed that her brother had set himself ablaze and was admitted in Civil Hospital. When the first informant reached the hospital, the deceased informed her that he had gone to seek his share of

the house property, which was in the occupation of the applicant. However, the applicant had abused him and stated that he will not get any share therein. Hence the deceased had set himself ablaze.

4. The learned Counsel for the applicant submitted that, in fact, there was a prior partition between the applicant and the father of the deceased. The applicant had also published a public notice cautioning members of the public not to enter into any transaction with the deceased, as he was addicted to liquor.

5. I have perused the allegations in the FIR. The first informant reports that since the year 2012 the deceased was given in to the vice of consuming liquor, and had left the house in the year 2014. The deceased used to visit her house to take money to consume liquor.

6. If the tenor of the allegations in the FIR is considered, it becomes *prima facie* evident that the deceased was addicted to liquor. Even if it is assumed that the applicant unjustifiably declined to give the share of the deceased in the property, which was in the occupation of the applicant, animus of abetment to commit suicide cannot be attributed. Refusal of the share in the property cannot be construed as

either instigation or intentional aid to commit suicide. There does not seem to be any other direct or proximate act or omission on the part of the applicant which compelled the deceased to commit suicide. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.196 of 2023, registered with MIDC Police Station, Solapur, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend MIDC Police Station on 25th, 26th and 27th October, 2023 in between 10.00 am. to 1.00 pm.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

- (vi) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]