



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 348 OF 2024

Vithal Dhondiram GhuleApplicant

VERSUS

The State Of MaharashtraRespondent

.....
Mr. G.K. Naik Thigle, Advocate for applicant.
Mr. C.V. Bhadane, APP for respondent.

AND

ANTICIPATORY BAIL APPLICATION NO. 384 OF 2024

Ishwar Girdharilal BaddarApplicant

VERSUS

The State Of Maharashtra And AnotherRespondents

.....
Mr. Yogesh Birajdar h/f. Mr. N.S. Shinde, Advocate for applicant.
Mr. S.P. Sonpawale, APP for respondents.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 41 of 2024, registered with Renapur Police Station, Dist. Latur, for offence punishable under sections 306 r/w 34 of Indian Penal Code.

2. FIR is lodged by Suryakant More alleging that his nephew Ganesh joined as intern. On 24.01.2024, applicant

Bhagyawant Punde

Ishwar Baddar, who is journalist came to the Public Health Center and asked Ganesh as to who he is and where is the medical officer. When Ganesh told him that medical officer has not come, Ishwar Baddar pressurized him and asked him whether he is entitled to work and demanded Rs. 10,000/- from him. Ganesh told him that since he is intern he is not in a position to pay him. Ishwar Baddar then left giving threats that he will see all of them. Thereafter, applicant Vithal Ghule, who is medical officer, pressurized Ganesh as to why he has disclosed to the journalist that he was not available. Medical officer also refused leave to Ganesh to attend his grandmother's funeral. It is therefore alleged in the FIR that due to the threats given by Ishwar Baddar and due to repeated insults by medical officer, Ganesh has committed suicide on 28.01.2024.

3. Heard learned advocates for applicants and learned APP for State. Perused the investigation papers.

4. Ganesh has committed suicide on 28.01.2024 and FIR is lodged on 13.02.2024. Perusal of investigation papers reveal that there is hardly any material showing that applicants have abetted the suicide. *Prima facie*, ingredients of section 107 of IPC are not made out from the investigation papers.

Bhagyawant Punde

Therefore, section 306 of IPC, *prima facie*, is not attracted to the present case. Though, all the cousins of deceased Ganesh have given statements reiterating the allegations made in the FIR, statements of other witnesses who were working in Public Health Center do not support the said allegations. In this view of the matter, applicants have made out a case for grant of relief in their favour.

5. Both the applications are allowed by confirming interim protection order dated 4th March, 2024 and 8th March, 2024, respectively.

6. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]