



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

ANTICIPATORY BAIL APPLICATION NO. 368 OF 2024

NILESH SAHEBRAO SONAWANE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Prashant P. Giri And T. V. Kamble, Advocates for Applicant
Mr. A.R. Kale, APP for Respondents/State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15th MARCH, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.138/2024, registered with M.I.D.C. Waluj Police Station, Aurangabad, for offence punishable under Section 306 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Shriram Tukaram Patil against 1. Nilesh Sonawane, Director of Garud Zep Academy, 2. Suresh Sonawane, Director of Garud Zep Academy, 3. Vijay Rathod, Manager of Garud Zep Academy, 4. Shubham Ghuge Accountant at Garud Zep Academy and 5. Meera Satwadhar, Warden of Ladies Hostel, alleging that his daughter Leena was taking training in Garud Zep Academy. At the time of taking admission in said academy in June, 2022, informant had deposited amount of Rs.1,20,000/-. He was also depositing Rs.4,500/- per month regularly towards mess charges. Some times there used to be delay in depositing mess

charges. Leena used to call informant and tell that he should deposit mess charges regularly, if mess charges are not deposited , breakfast is not given. Training is difficult and if payment is not made applicant who is owner of said academy insults in the presence of other trainees. Rathod, Manager of Mess, Shubham Ghuge, Meera Satwadhar, Warden and Suresh Sonawane all insult Leena and other trainees who do not deposit mess charges in time, food is not given to them. Informant used to tell her that applicant has taken guarantee of giving her job and therefore, she should continue with the training. In the year 2023 when Leena came for Diwali festival, she told her parents that since she has black complexion applicant calls her blacky and therefore, she is suffering mental trouble. On 20/02/2024, Leena committed suicide, however, applicant or anybody from the academy did not even call the informant.

3. Heard learned advocate for applicant and learned APP for respondents/State. Perused the investigation papers.

4. Out of five accused persons four are granted anticipatory bail by the Sessions Court. In the order passed by Sessions Court, it is observed that, *"So also, during the course of argument, mother of deceased herself stated the cause of suicide may be torturing by other students"*.

5. On going through investigation papers, *prima facie*

there does not appear any material showing ingredients of abetment under Section 107 of I.P.C. therefore, offence under Section 306 is not made out in the facts of present case. Even if the allegation of prosecution is accepted, at the most it can be held that deceased was given insulting treatment for not depositing mess charges in time. *Prima facie*, that itself is not sufficient to constitute abetment to commit suicide. Investigation appears to be on the verge of completion. Entire record is seized by investigating officer, therefore, pre-trial custodial detention of applicant is not necessary in the facts of present case.

6. In the result, application is allowed.

7. In the event of arrest of applicant in connection with C.R. No.138/2024, registered with M.I.D.C. Waluj Police Station, Aurangabad, for offence punishable under Section 306 r/w 34 of the Indian Penal Code, applicant be released on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount.

8. Till filing of charge-sheet, applicant shall attend concerned police station on every Sunday between 10:00 a.m. to 02:00 p.m. and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)