



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

955 APPLICATION FOR CANCELLATION OF BAIL NO. 77 OF 2023

Sunil Jagannath Padale

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. Avinash Narayan Padale

..RESPONDENTS

...
Advocate for Applicant : Mr. N.N. Bhagwat
APP for Respondent/State: Ms. V.S. Chaudhari
Advocate for respondent no.2 : Mr.S.V. Suryawanshi

...
CORAM : **SHIVKUMAR DIGE, J.**
DATE : 2nd July, 2024.

P.C.:

1. By this application, the applicant is seeking cancellation of bail of respondent no.2 granted by Additional Sessions Judge, Newasa in Criminal (Bail) Application No. 88 of 2023 filed in connection with F.I.R. No.I-327 of 2023 registered with Newasa Police Station, Tq. Newasa, Dist. Ahmednagar, for the offence punishable under section 306 read with 34 of the Indian Penal Code (For short, "IPC").
2. It is contention of the learned counsel for the applicant that on 9th February, 2023, the informant got his wife while talking on mobile with the applicant. The father of the informant annoyed due to relations between the applicant and wife of the informant and he committed suicide. The learned counsel further submitted that in the suicide note, the deceased has mentioned that the applicant and co-accused Sunita

is responsible for his suicide but this fact has not been considered by the trial Court and granted anticipatory bail. Custodial interrogation of the applicant is required, hence requested to allow the application.

3. It is contention of learned counsel for respondent no.2 that the allegations against the applicant are that he had relations with the wife of informant. He had never contacted with the deceased. While passing the order, the trial Court has considered all these aspects. No interference is required in it, hence requested to reject the application.

4. It is contention of learned APP that the custodial interrogation of the applicant is required, hence requested to reject the application.

5. I have heard all the learned counsel. Perused the impugned order.

6. While passing the order, the trial Court has observed that there is nothing to recover from the applicant. As per the postmortem report, deceased Jagannath died due to hanging. After perusal of the F.I.R. prima facie ingredients of abetment of suicide are not attracting. On these grounds and other grounds, the trial Court has allowed the application of the applicant. I do not find any infirmity in it. It appears that the incident happened on 18th March, 2023 and F.I.R. was lodged on 20th March, 2023. There is delay of three days in lodging the F.I.R. Prima facie no ingredients of abetment to suicide by the applicant reveal. In view of the above, I pass the following order :-

ORDER

- (i) The application is rejected.
- (ii) The Investigating Officer is directed to file the charge-sheet as early as possible.

[SHIVKUMAR DIGE, J.]

sga