



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

983 BAIL APPLICATION NO. 1136 OF 2024
WITH
CRIMINAL APPLICATION NO.2882 OF 2024
IN BA/1136/2024

1. MANOJ PANDHARINATH PATIL

2. PAWAN MAGAN PATIL

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. D. R. Kale a/w Mr. Y. H. Lagad.

APP for Respondent-State : Ms. S. S. Joshi.

Advocate for Informant to Assist APP : Mr. A. R. Kawade.

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CORAM : S. G. MEHARE, J.

DATE : 19.07.2024

PER COURT :-

1. Heard the learned counsel for the applicants, learned APP for the respondent-State and learned counsel for the informant.

2. The applicants seek bail in Crime No.96 of 2024, registered with Chopda (Rural) Police Station, District Jalgaon, for the offences punishable under Sections 305, 352, 323, 504, 506, 507 read with Section 34 of the IPC.

3. The prosecution case in brief was that the applicants were continuously harassing and insulting the deceased. They

had political rivalry. Hence, time and again, the deceased minor was deliberately harassed and instigated him to commit suicide. The reports were also lodged against the applicants. The applicants abated the deceased to commit suicide. The child has committed suicide. Hence, the applicants have the charge under Section 305 of the IPC.

4. Learned counsel for the applicants submits that as per his information, suicide note was recovered. The allegations are after thought. On the contrary, since there was a political rivalry, the false report has been lodged against them. The applicants were promptly responding the police officers. The applicants never harassed or abused as alleged. The father of the deceased had won the election against the uncle of the deceased. As per the prosecution case, the applicants were from the looser side. Hence, they have no reason to harass the son of the first informant. There are no antecedents to their discredit. Hence, they may be granted bail.

5. The learned APP for the respondent/State and learned counsel for the complainant would submit that the applicants consistently harassing the deceased. They were trying to kill him by running over the bike few days before the incident, the police called the applicants as the complaint was lodged

against him. Consistent harassment and abusing the deceased compelled him to commit suicide. The offence under Section 305 is punishable to death. A small child has lost the life. She says that the applicant may not be granted bail.

6. Perused the investigation papers. The documents show that the reports were lodged against the applicants. The present report is lodged after the suicide of the deceased. The case of the prosecution is based upon the suicide note, unfortunately, it is silent about the role attributed to the applicants. The prosecution may in future explain why the applicants were not named in the FIR. At this juncture, it may not be used against the applicants. Though the offence registered against the applicants is serious and the facts as discussed above supports the applicants for getting bail. Hence the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Nos.1. **MANOJ PANDHARINATH PATIL** and 2. **PAWAN MAGAN PATIL** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount each, on the following conditions :

- (a) They shall not tamper with the prosecution witnesses.
 - (b) They shall stay away from the village Ghumawal (Bu.), Taluka Chopda for four (4) months from the date of their release.
 - (c) They shall attend the Police Station as and when called on written notice by the Investigating Officer till filing charge sheet.
- (iii) Criminal Application to assist learned APP stands allowed.

(S. G. MEHARE, J.)

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vmk/-