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CRI APPLN 4567 OF 2023

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

**CRIMINAL APPLICATION NO. 4567 OF 2023
IN APPEAL/1185/2023**

Chandramuni s/o Venkatrao Gopale
Age: 42 years, Occu.: Labour,
R/o.Pornimanagar, Nanded,
Tq. & Dist.Nanded.Applicant

Versus

State of Maharashtra
Through Shivaji Nagar Police Station,
Nanded, Tq. & Dist.Nanded.
And Another.Respondents

.....
Advocate for Applicant : Mr. Shailendra S. Gangakhedkar
APP for Respondent no.1 : Mr.N.D.Batule
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CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 17 JANUARY, 2024
PRONOUNCED ON : 22 JANUARY, 2024**

ORDER :-

1. This is an application for suspension of sentence and grant of bail on account of conviction recorded by Additional Sessions Judge-1, Nanded in Sessions Case No.144 of 2019 for offence punishable under Section 306 r/w 34 of the Indian Penal Code (IPC).

2. In support of relief of suspension of sentence and grant of bail, learned Counsel for applicant would submit that accused and deceased had no relation whatsoever. That false allegations were raised that accused harassed and abetted suicide committed by deceased i.e. daughter of informant. He submitted that allegations are about threatening to withdraw complaint lodged by deceased on accusation of outraging modesty. That said threats are said to be issued on 01-10-2018, 11-10-2018 and 20-10-2018. However, according to learned Counsel alleged suicide is of 30-10-2018 i.e. almost after 10 days. He further submitted that deceased jumped from the house where she resided. Therefore, there cannot be any abetment and there is no incriminating material, however, conviction has been recorded. There is a good case on merits in appeal but as it would take long time, he prays for suspension of sentence and grant of bail. He emphasized that even during trial, applicant was on bail.

3. Above application is strongly opposed by learned APP on the ground that victim was a student and she was threatened

and harassed for withdrawing complaint lodged by her for commission of offence of outraging modesty. That only because of persistent and consistent harassment, suicide was committed. FIR was lodged promptly. There is serious case of abetment to commit suicide and hence, he opposed the application and relief.

4. Record shows that instant application was filed on 18-12-2023. By order dated 20-12-2023, this Court seems to have directed adding father of victim as party respondent no.2 and on such addition, it was further directed that notice be issued to father, which was made returnable on 11-01-2024. On said date, it was informed that amendment has not been carried out regarding addition of respondent no.2. However, this was controverted by learned Counsel for applicant stating that necessary amendments have already been carried out. But it was not so. Thereafter, on same day, amendment was made and matter was listed on 12-01-2024. On 12-01-2024, returnable date was extended up to 17-01-2024. Record shows that notice was issued to respondent no.2 on 15-01-2024. On 17-01-2024

again learned Counsel for applicant hard-pressed for consideration of application for suspension of sentence and grant of bail. None appeared on behalf of respondent no.2 and therefore, matter was taken up for hearing for suspension of sentence and grant of bail.

5. After considering the submissions advanced by learned Counsel for the applicant and learned APP for respondent State, and on going through the papers, it appears that crime was registered at Shivaji Nagar Police Station, Nanded for commission of offence under Section 306 r/w 34 of the IPC. Record shows that deceased committed suicide on 30-10-2018 and same day father of deceased has lodged complaint on the strength of which crime was registered for aforesaid offence.

6. It further emerges that deceased was a student and her modesty was outraged and therefore, she lodged report to that extent against accused. Father of deceased i.e. informant seems to have alleged that on 01-10-2018, 11-10-2018 and 20-10-2018 accused threatened and harassed deceased for

withdrawing complaint lodged by her. Deceased seems to have jumped from terrace of the house. FIR seems to be promptly lodged by the father. On appreciation of evidence, conviction seems to have been recorded by learned trial Judge for offence under Section 306 r/w 34 of the IPC.

7. Considering the above material, though applicant was on bail during trial, this Court does not deem it to be a fit case to grant relief of suspension of sentence and grant of bail, more particularly in the light of nature of accusations and circumstances in which suicide is committed. Accordingly, I proceed to pass following order :

ORDER

Criminal Application No.4567 of 2023 is rejected.

(ABHAY S. WAGHWASE)
JUDGE