

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1497 OF 2024

Nathuram Khandu Shedge ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Ritvik Joshi for Applicant.
Mr. Babu V. Holambe-Patil, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 14, 2024

P.C. :

1. In this application, on 31.05.2024, this Court (Coram : Kishore C. Sant, J.) granted interim relief in favour of the applicant, subject to conditions, including a direction to co-operate with the investigation.

2. Mr. Holambe-Patil, learned APP, on instructions, submits that the applicant has indeed co-operated with the investigation. This Court is informed that the investigation is completed and charge-sheet has been filed.

3. Mr. Joshi, learned counsel for the applicant reiterates the submissions made before this Court when interim relief was granted, including a specific submission that even if the allegations against the applicant are to be taken into consideration, the acts attributed to him, do not demonstrate the ingredients of the offence under Section 306 of the Indian Penal Code, 1860, which pertain to abetment of suicide.

4. While granting interim relief to the applicant, this Court had made following observations:-

“4. The allegation in the FIR is that the present Applicant and other 15 persons have committed an offence of abetment to commit suicide. Out of 16 accused, 11 are already protected by

way of Anticipatory Bail. The alleged role against the present Applicant is that he did not allow the person who committed suicide and the informant from entering into the land of this Applicant. From the FIR, it is seen that there was certain dealings with the person who committed suicide. He has written a suicide note before committing suicide. From the earlier order passed by this Court dated 10th April, 2024 in ABA No.956 of 2024, the Court has recorded after perusing investigating papers that no case is made out under Section 306 of the Indian Penal Code.”

5. A perusal of order dated 22.04.2024 passed by this Court (Coram : Sarang V. Kotwal, J.) in Anticipatory Bail Application No.1092 of 2024 whereby co-accused persons were granted anticipatory bail, shows that similarly situated co-accused persons were granted relief. In the said order, the following observations were made:-

“6. I have considered these submissions. As rightly submitted by the learned counsel for the Applicants the informant’s family could have taken recourse to their legal remedies. The father of the deceased had lodged his FIR already. The Applicant No.5 was a co-owner. Besides that, no specific role is attributed to her. Applicant No.4 was an agent. The dispute was between the informant’s family and the owners. The other allegations are vague. Though, the suicide note has named the Applicants and other accused, it does not refer to any such act which would amount to abetment to commit suicide. The other co-accused Ashok Godhade and Balasaheb @ Balkrushna Chaudhari are granted anticipatory bail vide the orders dated 10/04/2024 and 15/04/2024 passed in Anticipatory Bail Application No.956 of 2024 and Anticipatory Bail Application No.1066 of 2024. Therefore, to that extent even the principles of parity apply in this case.”

6. In view of the above circumstances, this Court is of the opinion that the present application deserves to be allowed, particularly when the charge-sheet is now already filed.

7. In view of the above, the interim order dated 31.05.2024 is made absolute and the application is allowed.

(MANISH PITALE, J.)