

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1749 OF 2024

1. Nandu Shivram Waje,
Age : 54 years, Occu : Agriculturist,
2. Sau. Shila Nandu Waje,
Age : 48 years, Occu : Agriculturist
3. Gokul Nandu Waje,
Age : 35 years, Occu : Agriculturist,
All r/o. At Post Pandurli,
Taluka Sinnar and District Nashik.

...Applicants

Versus

The State of Maharashtra,
At the instance of Ambad Police Station, Nashik.

...Respondent

- Mr. Akshay Bankapur, for the Applicants.
- Ms. Rutuja A. Ambekar, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 04th July, 2024.

P. C. :

1. Heard Mr. Akshay Bankapur, learned counsel for the applicants and Ms. Rutuja Ambekar, learned APP for the State.
2. At the outset, the learned counsel for the applicants informs this Court that the father of applicant No.1 unfortunately expired yesterday i.e. 03rd July, 2024.
3. The applicants are apprehending arrest in connection with First

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Information Report No.0574 of 2023 (FIR), dated 11th September, 2023, registered at Police Station Ambad, District Nashik, for offence under Section 306 read with 34 of the Indian Penal Code (IPC).

4. There are four accused persons in the present case. Applicant No.1 is the father of accused No.4, while applicant Nos.2 and 3 are the mother and brother of the accused No.4.

5. The informant is the mother of the deceased and her statement which led to registration of the FIR, indicates that according to her, accused No.4 i.e. the wife of the deceased and the co-accused persons acted in such a manner that they abetted the suicide of the deceased person.

6. The applicants had moved two anticipatory bail applications before the Sessions Court. The first anticipatory bail application was moved by all the four accused persons, which was dismissed. Thereafter, accused No.4 was arrested and she was granted regular bail by order dated 18th May, 2024. Thereafter, the applicants herein moved the second anticipatory bail application, which was rejected by the Sessions Court on 11th June, 2024.

7. The learned counsel for the applicants submits that even if the allegations leveled against the applicants are to be taken into consideration, there is a reference only to an incident, details of which including date are not

given, which may indicate the role attributed to the applicants. But, there is no allegation against the applicants as regards any overt act soon before the actual date of the incident i.e. 16th June, 2023, to even attract the ingredients of the aforesaid offence. On this basis, it is submitted that this Court may consider the present application favourably, particularly because the accused No.4 has been granted regular bail.

8. The learned APP has relied upon the statement of the informant leading to registration of the FIR.

9. In the present case, the Sessions Court while rejecting the anticipatory bail application of the applicants has completely misdirected itself in holding against the applicants on the ground that the applicants had changed their attitude towards the deceased and they had started quarreling with him after the deceased had not agreed to sale of a particular ancestral piece of land.

10. The allegations in the statement of the informant in that regard nowhere indicate that the said incident of refusal to sell the ancestral piece of land and thereafter alleged quarreling by the applicants with the deceased, was soon before the actual incident of 16th June, 2023. In fact, the statement of the informant also indicates that the deceased was perhaps disturbed due to the fact that the accused No.4 was allegedly exchanging messages with some

third person. The applicants before this Court could certainly not be attributed with such actions and in any case, there is hardly any material at this stage to indicate that they undertook any overt act soon before the actual incident, in order to attract the ingredients of the offence under Section 306 of the IPC.

11. In view of the above, the applicants have made out a case in their favour. The application is allowed in the following terms :

- (A) In the event the applicants are arrested in connection with FIR No.0574 of 2023, dated 11th September, 2023, registered at Police Station Ambad, District Nashik, they shall be released on bail on furnishing P.R. Bonds of ₹ 15,000/- each and one or two sureties in the like amount to the satisfaction of the Trial Court.
- (B) The applicants shall cooperate with the investigation.
- (C) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.
- (D) The applicants shall cooperate with the proceedings in the Trial Court and they shall remain present before the Trial Court on each and every date, except when specifically exempted by the Trial Court.

12. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of the present order.

13. The application is disposed of.

(MANISH PITALE, J.)