

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2466 OF 2024

Nageshwar Gangadhar Jadhav ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Lokesh Zade for Applicant.

Mr. Sagar R. Agarkar, APP for Respondent-State.

Mr. Dileep Manohar Rathod, API, Sinnar Police Station, Nashik (Rural).

CORAM : MANISH PITALE, J.

DATE : SEPTEMBER 13, 2024

P.C. :

. Heard Mr. Zade, learned counsel for the applicant and Mr. Agarkar, learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0566 of 2024 dated 24.07.2024 registered with Sinnar Police Station, District - Nashik Rural, for offence under Section 306 of the Indian Penal Code, 1860 (IPC). The informant, in the present case, is the father of the deceased and he has stated that the deceased committed suicide because of the acts of the applicant.

3. The applicant is working as an instructor in an academy, which trains youngsters, who seek jobs in police and army. It is alleged that the actions of the applicant ultimately pushed the deceased into committing suicide. This is in the backdrop of the deceased allegedly having a relationship with a girl, who was also taking training in the academy.

4. The learned counsel for the applicant submits that the FIR is delayed. Even if the chits left behind by the deceased, upon which the Sessions Court has placed reliance, are taken into consideration, there is nothing to indicate that the ingredients of the offence under Section 306

of the IPC are made out. He submits that the applicant is ready to co-operate with the investigation.

5. On the other hand, the learned APP has not only placed the original chits or notes left behind by the deceased, but he has fairly pointed out the statement of the girl recorded during the course of investigation with whom the deceased was allegedly in a relationship.

6. This Court has considered the aforesaid material in the light of the submissions made on behalf of the applicant as well as the learned APP.

7. This Court is inclined to allow the application for the following reasons:-

- a. The FIR is considerably delayed, having been filed on 24.07.2024 when the incident occurred on 03.01.2024. *Prima facie*, there is no explanation for the delay in registration of the FIR;
- b. The statement of the girl with whom the deceased was allegedly having relationship, itself, *prima facie* shows that the deceased had one-sided love for the said girl. She has specifically stated that the applicant - instructor in the academy had told the deceased to concentrate on his studies and so had the aforesaid girl. But the deceased continued with his actions, indicating his one sided love for the girl;
- c. When the chits or notes left behind by the deceased are appreciated in the backdrop of the statement of the girl recorded during the course of investigation, *prima facie*, it can be said that the deceased committed suicide due to the pressure that built up in his mind as a consequence of his own actions;
- d. There is *prima facie* lack of material to indicate that the

applicant, in any manner, undertook actions with the intention of instigating the deceased to commit suicide. Therefore, the basic ingredient of Section 306 of the IPC *prima facie* is not made out.

8. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0566 of 2024 dated 24.07.2024 registered with Sinnar Police Station, District - Nashik Rural, he shall be released on bail on furnishing PR Bond of Rs.15,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 19.09.2024 and thereafter as and when required by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not contact the informant in any manner during the pendency of the investigation;
- D. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)