

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2703 OF 2024

Raghunath Janba Patil ... Applicant
Vs.
State of Maharashtra and others ... Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO.2707 OF 2024

Krushna B. Patil ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2706 OF 2024

Sanjay Vitthal Patil ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2705 OF 2024

Shivraj Laxman Patil ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2704 OF 2024

Dnyandeo S. Patil ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. S. R. Borulkar a/w. Mr. S. S. Borulkar i/b. Mr. Manoj Patil for Applicants in all ABAs.

Ms. Kalyani K. Kabra a/w. Ms. Disha Chaurasia and Mr. Mangesh Shinde for Intervenors.

Mr. S. R. Agarkar, APP for Respondent-State in ABA/2703/2024.

Ms. Rutuja Ambekar, APP for Respondent-State in ABA/2704/2024.

Mr. Kiran C. Shinde, APP for Respondent-State in ABA/2707/2024.

Ms. Rutuja Ambekar, APP for Respondent-State in ABA/2705/2024.

Mr. Babu V. Holambe-Patil, APP for Respondent-State in ABA/2706/2024.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 09, 2024

P.C. :

. On 07.10.2024, in these applications, this Court passed interim order granting protection from arrest of the applicants, subject to specific conditions, including a direction to appear before the investigating officer on specified dates and to co-operate with the investigation.

2. The learned counsel for the applicants makes a statement that the applicants have abided by all the conditions, including appearing before the investigating officer and co-operating with the investigation.

3. There is nothing brought to the notice of this Court to hold otherwise.

4. In the interim order passed on 07.10.2024, this Court made the following observations:-

“7. A perusal of the statement leading to registration of First Information Report indeed shows that the message posted by the victim in the Whats-App group specifically named all the Applicants. It is alleged that they were harassing the victim, due to which he was forced to commit suicide. There is a reference made to a woman and her son being used as tools by the Applicants. He further stated that due to this he has been forced to take the extreme step.

8. The statement of the widow of the deceased recorded during the course of investigation shows that allegations of misappropriation were made against the victim in the context of the fair price shop being run by him. It is alleged that the Applicants had made such allegations and the matter is now pending before this Court. In that context, allegations of harassment are made against the Applicants. There is also an allegation that the Applicants were defaming the victim in public places due to which he was forced to commit suicide.

9. This Court is of the opinion that the ingredients of the offence under Section 108 of the BNS 2023 pertaining to abetment of suicide, necessarily require reference to Section 45 thereof, which pertains to the abetment. The said provision

indicates that if a person instigates another to do a particular thing, it can be stated that such a person is responsible for abetment. Prima facie this Court is of the opinion that while the allegations levelled against the Applicants in the statement leading to registration of the FIR and in some of the statements recorded during the course of investigation may indicate that the victim was harassed by the activities of the Applicants, but at this stage, it appears difficult to reach a conclusion that a strong prima facie case is made out against the Applicants for having abetted the suicide of the victim.”

5. The above-quoted observations hold good for allowing the applications, for the reason that the applicants have co-operated with the investigation.

6. Although the learned counsel, having instructions to appear on behalf of the first informant i.e. the son of the deceased, has vehemently submitted that the actions of the applicants had instigated the victim to commit suicide, this Court is of the opinion that the actions attributed to the applicants may, at worst, indicate that the victim may have felt insulted and defamed. But, *prima facie*, to impute intention to the applicants of having instigated the victim to commit suicide, at this stage, cannot be made out from the material on record.

7. In view of the above, the interim order dated 07.10.2024 is made absolute and the applications are allowed.

8. The applicants shall continue to co-operate with the investigation, including remaining present before the investigating officer as and when called. The applicants shall not tamper with the evidence and they shall not influence the informant, witnesses or any person concerned with the case.

(MANISH PITALE, J.)