



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO. 68 OF 2024**

Vikas s/o Ramchandra Dongre and others  
Vs.

State of Maharashtra, Through Police Station Officer, Police Station Ural,  
District Akola

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. S. P. Sonwane, Advocate for applicants.  
Mr. Nitin Autkar, APP for respondent/State.  
Ms. Ragini Karni Swami, Advocate for assist to prosecution.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 18/03/2024**

1. Apprehending the arrest at the hands of police in connection with Crime No.421/2023 registered with Police Station Ural, Tahsil Balapur, District Akola for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, the applicants approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicants is on the basis of report lodged by the wife of the deceased wherein she alleged that the present applicants are the neighbours and there was previous dispute between them. The present applicants have abetted the deceased to commit suicide and the incident narrated by the informant is that on 17/10/2019, the father of the deceased had

attended the nature's call in the agricultural field of the present applicants, and therefore, he was assaulted. As the father of the deceased was humiliated by abusing, he committed suicide. Subsequently, on 27/10/2021, the deceased has lodged report against the present applicant. It is further alleged that on 08/12/2023 at about 9:00 a.m. she had been to her agricultural field and returned at about 6:00 p.m. and found that her husband hanged himself and committed suicide. During the examination of the dead body of the deceased one suicidal note was found along with him wherein the names of the present applicants were mentioned that they have harassed him, on the basis of said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicant submitted that as far as the initial incident of assault to his father is concerned which took place in the year 2019, thereafter after two years he has lodged report against the present applicant. As far as the alleged incident of 08/12/2023 is concerned, nothing is mentioned in the FIR but there was some incident happened between the present applicant and the deceased, and therefore, the deceased had committed suicide. In fact, the daughter-in-law of the deceased has lodged the FIR against the deceased alleging that he has outraged the modesty and the present applicants were witnessed in the said

incident, that is the reason for the deceased to commit suicide and present applicants are implicated falsely. As far as custodial interrogation is concerned, which is not required. He further submitted that after releasing the present applicants on ad-interim anticipatory bail, they cooperated with the investigating agency and not misused the liberty. In view of that, interim protection granted to them deserves to be confirmed.

4. Learned APP strongly opposed the application on the ground that there is abatement at the hands of the present applicants to the deceased due to which he has committed the suicide. The custodial interrogation of the present applicant is required. He further submitted that after protecting the present applicants on ad-interim anticipatory bail, the complaint was received by the Investigating Officer of the informant alleging that present applicants visited her house and caused the damage by setting the cotton which was collected from the agricultural field on fire and also threatened her for withdrawing the complaint. He submitted that if the present applicants are released on anticipatory bail, they will tamper the prosecution evidence and in view of that, the application deserves to be rejected.

5. Learned Counsel appearing for the informant endorsed the same contention and submitted that considering the subsequent event i.e.

the complaint lodged by the informant that present applicants have threatened her and also caused damage to the cotton which she has collected from the agricultural field, which is sufficient to show the apprehension raised by the informant. In view of that, application deserves to be rejected.

6. Having heard the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR and investigation papers. Two incidents are noted by the Investigating Officer. One incident of dated 17/10/2019 i.e. five years back. As per the allegation, on 17/10/2019, the father of the deceased has attended the nature's call near the fodder which was kept in the agricultural field of the present applicants, and therefore, he was assaulted and said Namdeo had committed suicide. Regarding the incident dated 17/10/2019 after two years FIR is lodged by the deceased. Coming to the present incident dated 08/12/2023 except the names mentioned in the suicidal note, there is no other material to show that the present applicants have either instigated, aided or abetted the deceased in any manner to commit suicide. To constitute the offence of abetment, the abettor must be shown to have intentionally aided the commission of the crime. There should be nexus between the act of the suicide and the abetment at the hands of the abettor. At this stage, *prima facie* case to show that the present applicants have abetted the deceased to commit

suicide is absent. As far as the apprehension regarding the tampering of the witnesses is concerned, there is no dispute that the informant has lodged the application with the Investigating Officer alleging that the applicants have attempted to tamper with the prosecution evidence by threatening her. The said application is interrogated by the investigating agency and recorded the relevant statements of the witnesses. The statement of the villagers shows that on the day of 30.01.2024, the applicants were not present in the village. The specific report of the Investigating Officer shows that there is no substance in the allegation that present applicants entered into the village and threatened the informant. Thus, considering the said report, no *prima facie* case is made out against the present applicants to show that they have attempted to tamper with the prosecution evidence by way of threatening. Considering the fact that the custodial interrogation of the present applicants is not required, they were protected by granting ad-interim protection which deserves to be confirmed. Accordingly, I proceed to pass following order.

**ORDER**

- (i) The application is allowed.
- (ii) In the event of arrest, the applicants – **(1) Vikas s/o Ramchandra Dongre, (2) Sagar s/o Vikas Dongre and (3) Sandip s/o Vikas Dongare** in connection with Crime No.421/2023 registered with Police Station Ural, Tahsil Balapur, District Akola for the offence

punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- each, with one solvent surety in the like amount.

(iii) The applicants shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the Investigating Agency.

(iv) The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**