



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

CRIMINAL APPLICATION (ABA) NO.236 OF 2024

Chintaman Purushottam Hingane and another
Vs.
State of Maharashtra, Through Police Station Officer, Shegaon Rural
District Buldhana

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

Court's or Judge's orders

Ms. Anshula Pavnikar, Counsel h/f Mr. S. V. Sirpurkar, Counsel for the
applicant.
Mr. S. S. Hulke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/06/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.79/2024 registered with Police Station Shegaon Rural, District Buldhana for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. As per the accusation on the basis of the report lodged by Sharda Vitthal Hingane that she got the knowledge that her husband Vitthal Hingane had hanged himself in the field and deceased disclosed to one Sagar Hingane that he is committing suicide as the present applicants along with the other co-accused are demanding Rs.10 Lakhs from him to settle a case. On the basis of the said report, police

have registered the crime against the present applicants and the other co-accused.

3. The learned counsel for the applicants submitted that as far as present applicants is concerned, only their name is mentioned in the suicide note, there is no other allegation that in what manner the applicants have abetted the deceased to commit suicide. She submitted that there no nexus between the abetment and the act of committing suicide. As the applicant was protected by granting ad-interim protection, he has cooperated with the investigating agency, his custodial interrogation is not required and therefore, the interim protection granted to him deserves to be confirmed.

4. The learned APP strongly opposed the said application on the ground that during investigation, it reveals that the report was lodged by one girl, the son of the deceased was prosecuted for the sexual harassment. It is alleged that present applicants have demanded the amount of Rs.10 Lakhs to settle the said case from the deceased and therefore, deceased committed suicide. One chit is also seized by the Investigating Officer showing the name of the present applicants, which shows that the present applicants are responsible for the deceased. In view of that, the custodial interrogation of the present applicants is required and therefore, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicants and learned APP for the State, perused the FIR as well as the investigation papers. On perusal of the FIR and investigation papers, it reveals that the deceased has committed suicide as the applicants have demanded the amount of Rs.10 Lakhs from him. During the investigation, one chit was seized by the Investigating Officer, which only mentions the name of the present applicant. It is only mentioned that the present applicants are pressuring him to pay the said amount. The statements of the witnesses are also recorded, including the statement of the informant and other relatives. As far as the offence of the abetment is concerned, it is well settled law that to attract the abetment, there should be an instigation or aiding to the deceased to commit the suicide. Recently the **Division Bench at Principal Seat in Criminal Writ Petition Nos. 104, 105 and 106/2021 decided on 27/03/2024**, dealt with the aspect of abetment to commit suicide and by referring the case of **Shabbir Hussain vs. The State of Madhya Pradesh** reported in **(2021) 17 SCC 807**, it is held that in order to bring a case within the provisions of Section 306 of the IPC, there must be a case of suicide and in the commission of the said offence the person who is said to have abetted the commission of suicide must have played an active role by an act of instigating or by doing a certain act to facilitate the commission of suicide. The Apex Court further goes on, to observe that

mere harassment without any positive action on the part of the accused proximate to the time of occurrence which led to the suicide would not amount to an offence under Section 306 of IPC.

6. In the light of the above observation, if the facts of the present case are considered, except the names mentioned in the chit, there is no other material to connect the present applicants to show that either they have instigated or added, the deceased to commit suicide. Moreover, the custodial interrogation of the present applicants is not required as suicide note is already recovered and nothing is to be recovered from them. In view of that, the ad-interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The ad-interim protection granted to the present applicants by order dated 10.04.2024 is hereby confirmed by modifying the condition that the applicants shall attend the concerned Police Station as and when required for the investigation purpose.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)