

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

CR. ANTICIPATORY BAIL APPLICATION NO.1415 OF 2025

**HEMANT
CHANDERSEN
SHIV**

Shivaji Raosaheb Ugale

...Applicant

Versus

Digitally signed by
HEMANT
CHANDERSEN SHIV
Date: 2025.05.23
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**1. The State of Maharashtra
(Through P.I. Dindori Police Station)
2. Tushar Ramdas Gatkal
Age : 34 Years. Occ. Farmer
Shivnai, Tal. Dindori, Dist. Nashik**

... Respondents

**Mr. N. M. Mansuri for the Applicant.
Ms. S. D. Shinde APP for the Respondent No.1-State.
Ms. Mrunmai Kulkarni, Through VC for Respondent No.2.
Mr. S.E. Netavate, Police Sub-Inspector, attached to Dindoshi Police
Station, Nashik (Rural), present.**

CORAM : SHYAM C. CHANDAK, J.

**DATE : 21st MAY 2025
(VACATION COURT)**

P.C.:

. Not on board. On mentioning taken on board as the connected Anticipatory Bail Application is listed on today's board.

2) Mr.Mansuri, the learned Advocate for the Applicant seeks leave to amend the Application to add the first informant as party Respondent No.2.

3) Leave to amend is granted. Amendment to be carried out forthwith.

4) Ms.Shinde, the learned APP for Respondent No.1-State on

instructions, submits that Mr. Netavate, P.S.I. telephonically contacted Respondent No.2-first informant and informed him about this Application. Respondent No.2 replied that he intends to appear in this matter but through legal aid. The learned Advocate Ms. Kulkarni was appointed as legal aid for said Respondent No.2, in the connected Anticipatory Bail Application. She is ready to appear as the legal in this Application also. Hence, Ms. Kulkarni is appointed as the legal aid for Respondent No.2. The High Court Legal Services Committee to issue the necessary Order thereby appointing Advocate Ms. Kulkarni and issue an appointment letter, accordingly.

- 5) Issue notice to the Respondents, returnable forthwith.
- 6) Ms.Shinde, the learned A.P.P. and Ms. Kulkarni, the learned Advocate waives service on behalf of the Respondents.
- 7) Present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail as the Applicant is apprehending his arrest in C.R. No.125 of 2025, dated 08/04/2025, registered with the Dindori Police Station, under Sections 108, 351(2), 352 of Bharatiya Nyaya Sanhita, 2023 (BNS) on the report of Respondent No.2.
- 8) Heard the learned Advocate for Applicant, the learned A.P.P. for Respondent No.1-State and the learned Advocate for Respondent No.2-first informant. Perused the Application and the investigation material.
- 9) The prosecution story is that, the first informant is brother

of Amol (the deceased). Their agricultural land is situated on Shivnai-Varvandi road. There is a way through the said land, which is going towards the house of the Applicant. Since last two years, a dispute was going on in between the informant side and the Applicant. On 30/03/2025, a dispute had occurred in between the deceased and the Applicant. At that time, the Applicant and Accused No.2-Narayan Gatkhal abused and threatened the deceased that they would register a crime against him and lose his job. Therefore, one Arjun Gatkhal and village *Sarpanch* gave an understanding to the accused. Thereafter, the Applicant filed a complaint with the Dindori Police Station. In turn, police called the Applicant and the deceased on 02/04/2025. On 07/04/2025, at about 20:30 hours, the deceased committed suicide and left the suicide note holding the accused responsible for his suicide.

9.1) Therefore, the Applicant filed Anticipatory Bail Application No.683 of 2025 before the Sessions Court, at Nashik. Considering the allegations in the Report and the suicide note, the learned Additional Sessions Judge held that it is necessary to determine the circumstances, which led to the suicide of the deceased. For that purpose, custodial interrogation of the Applicant is necessary. Hence, the said learned Judge rejected the Bail Application, *vide* Order dated 17/04/2025.

10) Mr. Mansuri, the learned Advocate for the Applicant submitted that there is no material against the Applicant to show that he abetted the deceased to commit suicide or created the circumstances, which compelled him to end his life. There is no incriminating evidence

to be recovered from the Applicant thereby warranting his custodial interrogation. There are no criminal antecedents. Therefore, the bail may be granted to the Applicant.

11) Ms. Shinde, the learned A.P.P. submitted that the investigation is in progress and custodial interrogation of the Applicant is necessary to ascertain his role in the offence. The offence is serious. The Applicant is likely to tamper with the prosecution's witnesses. Therefore, bail be refused.

12) Ms. Kulkarni, the learned advocate for Respondent No.2 submitted that the deceased was constantly harassed by the accused persons till he committed suicide. The suicide note of the deceased clearly mentions that both the accused made the life of deceased so miserable that he was left with no option except to commit suicide. As such, the Application be rejected.

13) Perusal of the F.I.R. coupled with suicide note written by the deceased indicates that since last two years, a dispute was going on in between the Applicant and the deceased. However, the nature of the said dispute is not mentioned in the F.I.R. It is not discernible from the text of the F.I.R. that the said dispute was intended to abet the suicide. No doubt, the F.I.R. noted that, on 30/03/2025, a dispute had occurred in between the deceased and the Applicant. At that time, the Applicant and the Accused No.2 had abused and threatened the deceased, as above. Thereafter, the parties were called at the Police Station on 02/04/2025. Then the deceased committed suicide on 07/04/2025.

However, neither the F.I.R. nor the suicide note indicate that, in between 2nd to 7th April 2025, there was quarrel in between the parties and the accused persons did some intentional act to abet or instigate the suicide by the deceased. As such, how the Applicant abetted the deceased to commit suicide, is a question of trial. Considering the allegations, there is no need of custodial interrogation of the Applicant. The condition to attend at the Police Station will be sufficient to investigate with the Applicant. The Applicant has no criminal antecedents. The Applicant is the permanent resident of the address stated in the Application and he is not likely to abscond.

14) In view thereof, I am inclined to allow the Application and pass following Order :-

- (i) Application is allowed.
- (ii) In the event of the arrest of the Applicant- Shivaji Raosaheb Ugale, in C.R. No.125 of 2025, dated 8th April 2025, registered with the Dindori Police Station under Sections 108, 351(2), 352 of Bhartiya Nyaya Sanhita, 2023 (BNS), the Applicant be released on bail on executing a P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
- (iii) Applicant shall attend before the Investigating Officer at Dindori Police Station, Nashik (Gramin), on every Thursday between 10.00 a.m. to 12.00 p.m. till filing of the Chargesheet.

- (iv) The Applicant shall not tamper with the prosecution evidence and threaten the relatives of the deceased and the prosecution witnesses, in any manner.
- (v) The Applicant shall not indulge in any other crime in the future.
- (vi) The Applicant shall give his contact details to the Investigating Officer.
- (vii) Application stands disposed of in the above terms.

(SHYAM C. CHANDAK, J.)