

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1263 OF 2015**[Mithun s/o Motiram Khobragade Vs The State of Maharashtra]**

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

Court's or Judge's orders

Shri M.V.Salunke, advocate for applicant
Shri M.M.Nerlikar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 1st April, 2015****PER COURT :-**

1] By the present application, the applicant is seeking his enlargement on bail, in connection with Crime No. 21 of 2015, registered at Majalgaon police station, Tq. And Dist. Beed, for the offences punishable under Section 306 of the Indian Penal Code.

2] Heard Shri M.V.Salunke, learned counsel for applicant and Shri M.M.Nerlikar, learned Additional Public Prosecutor for the respondent.

3] The first information report is lodged by Chandrakala Purushottam Karle, who is the mother of deceased Vaishali. Deceased Vaishali was married. At the relevant time she was 30 years. Her husband is an Ophthalmologist and works at Government Hospital at Gadchiroli. Deceased was working at Tahsil Office, Majalgaon.

4] According to the allegation made in the first

information report and the investigation papers, which are made available by the learned Additional Public Prosecutor, there was a love between the present applicant and deceased, though the deceased was married. Undisputedly the applicant is an unmarried person. According to the prosecution, the deceased was insisting the applicant to marry with her. However, the said request was not accepted by the present applicant in view of the fact that deceased was already married and there was some marriage proposal in offing for the present applicant. According to the prosecution, due to refusal to marry with the deceased by the present applicant, Vaishali committed suicide.

5] The ingredients to attract the provisions for the offence punishable under Section 306 of the Indian Penal Code are clearly absent, after the perusal of the first information report and after the perusal of the investigation papers. In that view of the matter, present application needs to be allowed. Hence, I proceed to pass the following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Mithun s/o Motiram Khobragade, in connection with Crime No. 21 of 2015, registered at Majalgaon police station, Tq. and Dist. Beed, for the offences punishable under Section 306 of the Indian Penal Code, be released on bail on he executing P.R. bond of Rs.5,000/- with one solvent surety in the like amount.
- (iii) Bail before the trial court.

(iv) The observations made in this order are prima facie in nature and are restricted to this application only and the learned Judge of the court below shall not get influenced himself by the said observations while deciding the matter on merits.

(v) Criminal Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap1263.15