

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2385 OF 2015

Gangaram s/o Fakira Gunjewar & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. G.P.Shinde, Advocate for Applicants.

Mr. V.H.Dighe, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 19th JUNE, 2015

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PER COURT :

1. Present Criminal Application is filed by the applicants since they are apprehending their arrest in connection with Crime No. 13/2015 registered at Himayatnagar police station, Dist. Nanded for the offences punishable u/s 306,504 read with 34 of the Indian Penal Code.

2. Heard Mr. G.P.Shinde, learned counsel for the applicants and Mr. V.H.Dighe, learned A.P.P. for respondent – State.

3. The deceased is one Raju Dukre. First informant is Kanba Dukre, who is the father of deceased. The date of incident of committing suicide by Raju is 11/02/2015. F.I.R. is lodged by Kanba Dukre on 13/02/2015.

4. F.I.R. would reveal that Kanba is having two sons including deceased Raju and three daughters. The marriage of deceased was solemnized with the daughter of applicant No. 1 Gangaram about two years ago. Though Sunanda was pregnant, however on both occasions she delivered dead child. On that count, there used to be dispute between Sunanda and Raju.

F.I.R. further states that since last six months, sunanda, the wife of deceased, was residing with her parents and prior to three days of the incident when Raju had been to Kotalwadi to fetch his wife, that time, present applicants used abusive words against Raju and they refused to send Sunanda with him for cohabitation. On that account, according to F.I.R., deceased Raju consumed poison and committed suicide. These are the only allegations in the F.I.R.

Learned A.P.P. submitted that during the course of the investigation, Investigating Officer has recorded statements of the nearest relatives of the deceased. According to their statements, they, in chorus, have stated that present applicants had said that they will not send Sunanda for cohabitation and used abusive words.

5. From the F.I.R. and from the statements of the nearest relatives of the deceased recorded during the course

of investigation, it is crystal clear that prosecution case failed to disclose any ingredient by which the applicants could said to have instigated deceased Raju to commit suicide.

6. In that view of the matter, present Criminal Application is required to be allowed and it is accordingly allowed. The order passed by this Court on 06/05/2015 granting ad-interim anticipatory bail stands confirmed.

7. Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]