

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2636 OF 2015.

PRAKASH S/O PANDURANG NAGARE.
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER.

Appearance =>

Mr. Niteen V. Gaware, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 8th June, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No. 12/2015 registered with Police Station, Ashwi, Taluka – Sangamner, District – Ahmednagar for the offences punishable under Section/s 306 read with 34 of the Indian Penal Code.

[2] I have heard Mr. Gaware, learned counsel for the applicant and Mrs. Bharad, learned Additional Public Prosecutor for the State.

[3] First Information Report is dated 25th March, 2015; where-as suicide was committed by Jyoti on 17th February, 2015. Thus, there is delay in lodging the First Information Report. The other accused persons in the crime are already released on anticipatory bail by this court in Criminal

Application No.1972/2015 on 24th April, 2015; where-in this court has elaborately delt the issue in respect of rojnama that matter was pending in Lok-Adalat for settlement.

[4] According to the prosecution, prescient applicant – husband has refused to reconcile the matter with his wife, which, according to the prosecution was the reason for Jyoti to commit the suicide.

[5] It is my considered view that, refusal to reconcile the matrimonial dispute, cannot be said to be abetment within the meaning of Section 109 of the Indian Penal Code. In that view of the matter, the applicant has made out a case for anticipatory bail, that leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) In the event of arrest, applicant - PRAKASH S/O PANDURANG NAGARE shall be released on anticipatory bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty five Thousand.] with one solvent surety in the like amount, in connection with CR No. 12/2015 registered with Police Station, Ashwi, Taluka – Sangamner, District – Ahmednagar for the offences punishable under Section/s 306 read with 34 of the Indian Penal Code.
- (iii) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)