

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

CRIMINAL APPLICATION NO. 2944 OF 2015

Shubhangi w/o Pravin Kadu

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr.S.S.Rathi, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

.....

WITH

CRIMINAL APPLICATION NO. 2667 OF 2015

Datta S/o Tukaram Jawade & Ors.

.... **APPLICANTS**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. Praneet Patni h/f Mr. P.F.Patni,

Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

Mr. J.M.Murkute, Advocate for first informant.

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CORAM : V.M.DESHPANDE, J.

DATE : 19th JUNE, 2015

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PER COURT :

1. These are the two Criminal Applications for grant of anticipatory bail. These two applications can be disposed of by the common order since those are arising out of the same Crime No. 118/2015 registered with Gangakhed police station, Dist. Parbhani for the offences punishable u/s 306 read with 34 of the Indian Penal Code.

2. Heard Mr.S.S.Rathi, learned counsel for the applicant in Criminal Application No. 2944 of 2015 and Mr. Praneet Patni holding for Mr. P.F.Patni in Criminal Application No. 2667 of 2015. I also heard Mr. A.S.Shinde, learned A.P.P. for respondent – State and Mr. J.M.Murkute, learned counsel for the first informant in extenso.

3. Deceased is one Pravin. He committed suicide. F.I.R. is lodged by Shivshankar Kadu, who is the father of deceased. F.I.R. is lodged on 01/05/2015. According to F.I.R., deceased has committed suicide since he was under immense mental tension, by jumping in front of railway.

4. Pravin, the deceased, was working as Assistant Agriculture Officer at Solapur. Applicant Shubhangi w/o Pravin Kadu in Criminal Application No. 2944 of 2015 is widow of Pravin. She is Talathi. She reside at Gangakhed due to her service. She used to reside at Gangakhed along with her daughter and mother of deceased Pravin. They are residing in the house owned by the applicants in Criminal Application No. 2667 of 2015.

5. According to F.I.R., there used to be some dispute between Pravin and Shubhangi on some trifle matter. On 25/04/2015, when Pravin had been to Gangakhed from Solapur, that time, quarrel took place between Shubhangi and Pravin. Said quarrel was separated by the applicants in Criminal Application No. 2667 of 2015. F.I.R. further states that the first informant has received phone call at 1.45 a.m. [in night] that Shubhangi had instigated the applicants in Criminal Application No. 2667 of 2015 to beat Pravin and accordingly he was beaten.

6. Even as per the prosecution case and the investigation papers, mother of the deceased used to reside with Shubhangi at Gangakhed. Learned A.P.P. submitted that statement of mother of deceased namely Shobha is recorded, in which it is stated by Shobha that in her presence Pravin was beaten by the applicants in Criminal Application No. 2667 of 2015 at the instigation of Shubhangi. However, curious to note is that her statement is recorded on 01/05/2015. If any wrong was happened in her presence, she could have reported the matter immediately to the police. Keeping mum from 24/04/2015 to 01/05/2015 speaks volumes.

7. Further, even according to the F.I.R., there used to be dispute between Shubhangi and the deceased. Such skirmishes can not be termed as instigation to commit suicide.

Further, applicant Shubhangi is discharging her duties as Talathi. Therefore, there is no reason that she will not be available for the course of justice.

Applicant Shubhangi in Criminal Application No. 2944 of 2015 was granted ad-interim anticipatory bail on 15/06/2015 and at that time she was directed to attend police station on 17/06/2015. Accordingly, she has attended police station, is the submission of the learned counsel for the applicant, which is not at all disputed by the learned A.P.P.

8. Hence, I pass the following order :

- (i) Present both Criminal Applications are hereby allowed.
- (ii) In the event of arrest, in connection with Crime No. 118/2015 registered with Gangakhed police station, Dist. Parbhani for the offences punishable u/s 306 read with 34 of the Indian Penal Code, applicant Shubhangi w/o Pravin Kadu in Criminal Application No. 2944 of 2015 be released on anticipatory bail on she executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.
- (iii) Interim order passed by the Hon'ble Vacation Judge on 22/05/2015 in Criminal Application No. 2667 of 2015 stands confirmed.
- (iv) Needless to mention, the observations made

in this order are only for the purpose of deciding the anticipatory bail.

- (v) Present Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2944.....2015