

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

CRIMINAL APPLICATION NO. 3585 OF 2015.

**RAMA S/O VITHAL RAHIRE
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. Santosh C. Bhosle, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 3rd August, 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.43/2015 registered with Police Station,Umri, Taluka – Umri, District – Nanded for the offences punishable under Section 306 of the Indian Penal Code.

[2] Heard Mr. Santosh C. Bhosle, learned counsel for the Applicant and Mr. V.H. Dighe, learned Additional Public Prosecutor for the Respondent - State of Maharashtra.

[3] Deceased is Narayan. He is real brother of present Applicant. First Information Report is lodged by Shobha, widow of deceased Narayan. First Information Report is lodged on 23rd May, 2015.

From the First Information Report, it is clear that, partition took place in between the brothers and they were cultivating their respective agricultural field separately. However, it appears from the First Information Report that there was some dispute in between the present applicant and the deceased.

According to the First Information Report on 17th May, 2015 the present Applicant under the influence of liquor has set ablaze the sugarcane crop standing in his own agricultural field and thereafter, he extended the threat to the deceased that he will lodge report with police alleging that the deceased has set his sugarcane crop on fire.

According to the First Information Report, therefore, her husband has committed the suicide by consuming the poison.

[4] The aforesaid assertion made in the First Information Report, in my view, is completely absent in respect of the ingredients of “instigation”. In that view of the matter, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant - RAMA S/O VITHAL RAHIRE shall be released on anticipatory bail on he executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] with one solvent surety in the like amount, in connection with CR No.43/2015 registered with Police

Station, Umri, Taluka – Umri, District – Nanded for the offences punishable under Section 306 of the Indian Penal Code.

(iii) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)