

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

CRIMINAL APPLICATION NO. 4404 OF 2015

Kanhaya s/o Vitthal Autade,
Age: 22 years, Occ: Education,
R/o. Gadawad, Tq. & Dist.Latur.

...Applicant

versus

The State of Maharashtra

...Respondent

.....
Mr. S.S. Panale. Advocate for applicant
Mrs. M.A. Deshpande, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 3rd SEPTEMBER, 2015

ORAL ORDER :

Perused the report and investigation papers submitted by the Investigating Officer. Present applicant is accused in Crime No.81 of 2015 for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, registered with Murud Police Station, District Latur, for the incident dated 30-31/07/2015. The applicant was arrested on 14/08/2015.

2. The accusation against the present applicant is that because of threats given by applicant and his mother Zumberbai, Shivaji Kadam has committed suicide by consuming poison and therefore, both of them are responsible for the death of Shivaji and as such, booked for the offence punishable under Section 306 read

with Section 34 of the Indian Penal Code.

3. It is required to be noted that there exists civil dispute in between the parties and one N.C. was registered at the behest of Zumberbai, mother of applicant, who is also one of the accused. It reflects from the contents of F.I.R. that Shivaji has consumed poison as threats were given by the accused of implicating the complainant namely Kakasaheb in a false case of outraging modesty.

4. Having perused the investigation papers, it appears that custodial interrogation of the present applicant is no more required.

5. In the light of accusation, it will be appropriate, in my opinion, to order the release of the present applicant on bail. Hence, I pass the following order.

6. The applicant be released on bail, on furnishing P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount, in connection with Crime No. 81 of 2015 registered with Murud Police Station, District Latur, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code. The applicant shall not enter his village till filing of the charge sheet.

7. Criminal Application is allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/03.09.15