

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6800 OF 2014

Shivaji s/o. Purbhaji Waghmare
and others

....Applicants.

Versus

The State of Maharashtra
and another

....Respondents.

Mr. A.M. Gaikwad, Advocate for applicants.

Mr. R.P. Phatke, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 7th January, 2015.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2. The crime is registered on the basis of report given by one Balaji Waghmare. Deceased Vyankat was brother of Balaji. There was some dispute in respect of ancestral property between the family of Balaji and present applicants. Applicants were asking the side of complainant to give their share from agricultural land. It appears that the civil suit was also filed by the other side i.e. complainant's side. But, the suit is dismissed

and appeal against the said decision is filed. It is contended that 8 days prior to the date of incident quarrel was picked up and attempt was made to settle the dispute. It is contended that threats were being given to Vyankat due to civil dispute and due to that Vyankat was under tension. Ultimately on 24.11.2014 Vyankat committed suicide by hanging himself in the filed. The report came to be given on the same day and it is contended that due to the aforesaid dispute Vyankat committed suicide.

3. In view of the nature of dispute between the two families and the pendency of the civil litigation, this Court holds that the applicants are entitled to the relief. In view of the nature of allegations, this Court holds that police should not need the custody of the applicants for the purpose of investigation.

4. In the result, the application is allowed. Interim relief granted in favour of applicants is confirmed. They are to attend the concerned police station on every Sunday between 9.00 a.m. and 12.00 noon for the period of one month from today and they are to cooperate police during investigation.

[T.V. NALAWADE, J.]

ssc/