

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.485/2015

(Shankar Murli Nishad and anr. .vs.. State of Maharashtra, thr. PSO P. S.
Sindewahi, Dist. Chandrapur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R. M. Daga, Advocate for applicants.
Mr. R. S. Nayak, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : OCTOBER 7, 2015.

The applicants are apprehending their arrest in connection with Crime No.67/2015 registered with Police Station Sindewahi, Dist. Chandrapur for an offence punishable under Section 306 read with Section 34 of the IPC.

The deceased is Bhikaji Nagapure. The act of commission of suicide by Bhikaji is dated 11.08.2015. However, he died on 12.08.2015. He consumed poison.

The FIR is lodged by ASI Bandhu Zodape. It is dated 01.09.2015. the FIR is in the nature of enquiry report in A.D.No.23/2015.

On 12.03.2015, Rahul son of the deceased, intimated unnatural death of his father. On the basis of the same, A.D.No.23/2015 was registered under Section 174 of the Cr.P.C. The statement of Rahul was recorded on 12.08.2015

itself. It shows that on 11.08.2015, he had been to his work in the village Sindewahi. That time, at 12.30 p.m. he received a call from his aunt Sumitra that health of his father namely; the deceased is not proper and he has vomited. Therefore, he immediately rushed to his house to notice that his father was lying on a cot. Foam was coming from his mouth. He immediately took his father to the hospital. What is important to note from the statement of Rahul is that his statement is completely silent about the alleged assault by the present applicants on the deceased on account of the alleged monetary transactions.

It is further submitted by the learned counsel for the applicants that after grant of interim protection by this Court, the applicants have attended the Police Station. The learned A.P.P. for the State submitted that the applicants have already joined the investigation. Even from the prosecution case, the suicide was committed by the deceased in his own house.

Even assuming that there was some dispute regarding taking away the fish stealthily from the lake. Prima facie, it cannot be attributed that the present applicants have instigated the deceased to commit suicide.

In that view of the matter, following order is passed.

ORDER

(i) Criminal Application (ABA) No.485/2015 is allowed.

(ii) Applicant no.1-Shankar Murli Nishad and applicant no.2-Pancham Murli Nishad, in the event of their arrest in connection with Crime No.67/2015 registered with Police Station, Sindewahi, Dist. Chandrapur for an offence punishable under Section 306 read with Section 34 of the IPC released on bail on they executing P.R. Bond in the sum of Rs.25,000/- each with one surety each in the like amount.

(iii) The applicants shall attend Police Station, Sindewahi, Dist. Chandrapur as and when required by the Investigating Officer. However, the Investigating Officer shall give clear cut 24 hours written communication to them.

JUDGE