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

CRIMINAL APPLICATION NO.3268 OF 2016

Dr. Popat Sandu Avhale

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr A.K. Bhosale, Advocate for applicant;

Mr A.S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th July, 2016

ORAL ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks his enlargement on bail, in connection with C.R. No.55 of 2016, registered with police station, Pishor, taluka Kannad, District Aurangabad, for offence punishable under section 306 read with section 34 of the Indian Penal Code.

2. Prosecution case is that deceased Vishnu has left a suicide note naming the present applicant as one of the persons responsible for his death.

3. Learned Counsel appearing on behalf of the applicant would urge that the applicant is working as Associate Professor. He would then submit that the applicant is not cultivating the land in question but has entered into a contract with co-accused Subhash Jaiswal. He would reply upon the

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agreement to that effect entered into on 22nd April, 2014, copy of which is placed on record. He would submit that there is hardly any role attributed to the applicant, but for the owner of the suit property.

4. Learned Addl. Public Prosecutor submits that there is sufficient material on record to depict *prima facie* involvement of the applicant in the crime. He would rely upon the statements of two independent witnesses, namely, the tractor driver and his accomplice, who submit that the tractor that was sent for the purpose of carrying out agricultural activities, was returned back by the applicant. According to him, the entire material on record coupled with suicide note, speaks about applicant's *prima facie* involvement in the crime.

5. Having bestowed my thoughts to the submissions made, the investigation papers depict that there is a dispute between the applicant and deceased in relation to the boundaries of the agricultural land. It is then to be noted that the applicant claims to have already parted with possession of the property to co-accused Subhash Jaiswal. The applicant being working as Associate Professor in a college is very much available for the investigation. In the above background, in my opinion, custodial interrogation of the applicant is not necessary. Thus, the application succeeds. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.55 of 2016, registered with police station, Pishor, taluka Kannad, District

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Aurangabad, for offence punishable under section 306 read with section 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall attend the concerned police station on 11th and 12th July, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

The applicant shall not tamper with the prosecution evidence or influence the witnesses.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj