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

CRIMINAL APPLICATION NO.3701 OF 2016

1. Madhav s/o Jagan Rathod,
2. Bharat s/o Sherya Chavan ..APPLICANTS

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr V.P. Raje, Advocate for applicants;
Mr S.D. Ghayal, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 1st August, 2016

ORAL ORDER :

Heard.

2. By the present application under section 438 of the Code of Criminal Procedure, the applicants are seeking pre-arrest bail, in connection with C.R. No.19 of 2016, registered with police station, Mahur, District Nanded, for offences punishable under sections 306, 323, 504 read with section 34 of the Indian Penal Code.

3. The prosecution story is that the complainant's husband Sakhamam was assaulted by the applicants by footwear in a public function. Since he was unable to sustain humiliating treatment, went to farm and committed suicide. As such, the offence in question.

4. Perused the investigation papers.

5. There is hardly any material on record to infer that the intention of the applicant was to drive deceased Sakhamam to commit suicide.

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6. Even otherwise, *prima facie*, ingredients of section 306 of the Indian Penal Code are not made out.

7. So far as offences punishable under sections 323 and 504 of the Indian Penal Code are concerned, they are bailable.

8. In view thereof, in my opinion, it will be appropriate to enlarge the applicants on pre-arrest bail. Hence, following order :-

In the event of arrest of the applicants, in connection with C.R. No. 19 of 2016, registered with police station, Mahur, District Nanded, for offences punishable under sections 306, 323, 504 read with section 34 of the Indian Penal Code, they be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station on 6th and 7th August, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj