

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

903 CRIMINAL APPLICATION NO. 5134 OF 2016

**PUNNA ZIPRU PAWAR
& ORS.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. V.B.Patil, Advocate for Applicants.

Mr. S.D.Ghayal, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 14th OCTOBER, 2016

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PER COURT :

1. The applicants/accused in Crime No. 54/2016 registered at Taluka police station, Bhusawal, Dist. Jalgaon for the offences punishable u/ss 306,504,506 read with 34 of the Indian Penal Code, by this application are seeking pre-arrest bail.

2. Heard the learned counsel for applicants/accused. He argued that the incident dated 23/08/2016 is reported on 24/08/2016 without there being any explanation of the delay in lodging the F.I.R. The learned counsel further argued that

the dispute between the parties was resolved on 23/08/2016 itself under Mahatma Gandhi Tanta-Mukti Abhiyan in the Taluka Police Station, Bhusawal and accordingly deed of compromise was executed. As such, according to the learned counsel for applicants/accused, the applicants are not liable for commission of any offence. He further argued that some of the accused persons are already released on bail.

3. The learned A.P.P. opposed the application by contending that there are several eye witnesses to the incident in question.

4. Perused papers of investigation. The F.I.R. is lodged by Uttam Rajaram Pawar - son of deceased Rajaram Pawar. The papers of investigation shows that Rajaram Pawar died suicidal death by consumption of poison. It is also seen that there was dispute between the parties. Accused persons were alleging that Rajaram Pawar had caused obstruction to the cause way of the field and on that count they were threatening him time and again.

5. Annexures 'A' to the application is the compromise deed executed on behalf of deceased Rajaram Pawar. Perusal of this deed shows that it was Kailas Sarichand Pawar, who agreed to give way to deceased Rajaram Pawar. The dispute is stated to be settled on 23/08/2016 at Taluka police station, Bhusawal.

6. It is seen from the F.I.R. as well as statements of witnesses that on the very same day i.e. on 23/08/2016 at about 8.30 p.m., all applicants along with accused persons had

been to the house of Rajaram Pawar [since deceased] and they had threatened him over the old dispute. The statements of witnesses show that all accused persons were threatening to beat Rajaram Pawar and frightened him, therefore, he consumed the poison. The act of accused persons including present applicants in visiting the house of deceased Rajaram Pawar and threatening him by beating *prima facie* shows instigation for commission of suicide. In this view of the matter, no case for bail is made out.

7. The Criminal Application stands rejected.

[A.M.BADAR, J.]