

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

CRIMINAL APPLICATION NO. 5626 OF 2016

Vijay s/o. Dinu Khose .. Applicant
Age. 30 years, Occ. Agri.,
R/o. Gandhinagar, Kallam,
Tq. Kallam, Dist. Osmanabad.

Versus

The State of Maharashtra .. Respondent

Mr.S.J. Salunke, Advocate for the applicant.
Mr.S.D. Ghayal, APP for respondent/State.

**WITH
CRIMINAL APPLICATION NO. 5878 OF 2016**

Sumit s/o. Chandrakant Gaikwad .. Applicant

Versus

Vijay s/o. Dinu Khose & Anr. .. Respondents

Mr.V.S. Undre, Advocate for the applicant.
Mr.S.J. Salunke, Advocate for respondent No.1.
Mr.S.D. Ghayal, A.P.P. for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 20.10.2016

P.C. :-

1. The applicant/accused in Crime No.189 of 2016 registered with Shiradhon Police Station, Tal. Kallam, Dist. Osmanabad, for offences punishable under section 306 read with section 34 of the Indian Penal Code, is

seeking his release on bail.

2. Heard learned Counsel for the applicant as well as learned A.P.P. and learned Counsel for the informant.

3. Learned A.P.P. and the learned Counsel for the informant argued that the F.I.R. as well as papers of investigation including note written by the deceased shows that the deceased was prompted to commit suicide because of acts of commission and omission by accused persons including the present applicant.

4. Perused papers of investigation as well as F.I.R. of the crime in question lodged by Sumit Chandrakant Gaikwad. His mother - Vanmala died suicidal death by consumption of poison on 27.08.2016 and allegations are to the effect that because of pressure of creditors, she died suicidal death.

5. Without commenting anything on the merits of the case, perusal of papers of investigation, prima facie, shows that necessary investigation qua the present applicant is over. Care of his alleged criminal antecedents can be taken care of by imposing appropriate conditions while securing his release.

6. In this view of the matter, considering the nature of the offence alleged against the present applicant, his further pre-trial detention is not warranted. Hence, the order :-

O R D E R

- i) The application is allowed.
- ii) Applicant/accused-Vijay s/o. Dinu Khose, in Crime No. 189 of 2016, registered with Shiradhon Police Station, Tq. Kallam, Dist. Osmanabad, for the offence punishable u/s 306 read with section 34 of the Indian Penal Code, be released on bail on executing P.R.Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] and on furnishing surety in the like amount.
- iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- iv) The applicant shall not tamper the evidence of the prosecution.

(4)

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v) The applicant shall not repeat commission of any offence in future.

iv) In view of disposal of main application, Criminal Application No.5878 of 2016 stands disposed of.

[A.M. BADAR, J.]