

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

CRIMINAL APPLICATION NO.6825 OF 2015

1. Jaykumar Laxman Waghmode
Age 42 years, occu. Agri.,

2. Yuvraj Rajabhau Teleng,
Age 47 years, Occu. Agri.,

Both r/o Tuljapur, Taluka Tuljapur,
District Osmanabad

..Applicants

Versus

. The State of Maharashtra,
through Police Inspector, Tuljapur
Police Station, Taluka Tuljapur,
District Osmanabad

..Respondent

Mr K.S. Bhore, Advocate for applicants
Mr M.B. Bharaswadkar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 11th January 2016

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.284/2015 registered at Tuljapur Police Station, District Osmanabad, for the offence punishable under Section 306 read with sec.34 of Indian Penal Code.

3. Learned Counsel for the applicant would urge that the complaint's wife executed sale-deed dated 6th January 2015, for which mutation was recorded on 26th August 2015 in favour of son of applicant No.2. The son of applicant No.2 filed a suit against wife of complainant in the matter of above referred transaction. According

to him, as the applicants had asked the sons of the complainant about repayment of loan amount and threatened them, the son of complainant namely Abhishek committed suicide on 19th October 2015.

4. Based on the title created by virtue of sale-deed dated 6th January 2015, summons were already issued. According to applicants, F.I.R. came to be lodged on 29th November 2015 i.e. almost after a delay of fourteen days for which there is no explanation.

5. Learned Counsel for the applicants would urge that the applicants are entitled for protection particularly in view of the title created in favour of son of applicant No.2 and the delay in lodging the F.I.R.

6. Learned A.P.P. would urge that the alleged transaction in question was a loan transaction without any authority and according to him, custodial interrogation is necessary.

7. Perused the investigation papers and contents of F.I.R. In my opinion, the applicants are entitled for protection, particularly, in view of the fact that the wife of the complainant has created title in favour of son of the applicant No.2 and the pendency of the suit in relation to the suit property.

8. So far as the claim of suicide by the son of complainant is concerned, prima facie no role could be attributed to the present applicants in the above referred background. In view thereof, the application deserves to be allowed.

9. In the event of their arrest in Crime No.284/2015 registered at Tuljapur Police Station, District Osmanabad, for the offence punishable under Section 306 read with sec.34 of Indian Penal Code, the applicants be released on bail, upon furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty five thousand) with one surety in the like amount, by each of them.

10. The applicants shall attend the concerned Police Station on 18th and 19th January 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.

11. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr