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

CRIMINAL APPLICATION NO.116 OF 2017

Sukhdev s/o Haribhau Chinchane,
Age: 53 years, Occu: Service & Agril.,
R/o. Hivra (Govardhan), Tq. Parli (V),
Dist Beed
At present – Swati Nagar, Parli (V),
Dist. Beed

..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station Sirsala,
Tq. Parli (V), Dist. Beed

..RESPONDENT

Mr S.J. Salunke, Advocate for applicant;
Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent;
Mr P. K. Lakhotiya, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 30th January, 2017

ORAL ORDER

By this application under Section 438 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.163 of 2016, registered with police station Sirsala, Tq. Parli (V), Dist. Beed, for an offence punishable under Section 306 of the Indian Penal Code.

2. It is not in dispute that there is a decree passed by the competent Civil Court in favour of the present applicant and against Ishwar Ganapati Bahire, in relation to landed property over which said Ishwar was claiming

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right by virtue of agreement of sale.

3. It is to be noted that the dying declaration narrates that since the amount of Rs.3,00,000/-, out of above transaction was not returned, out of frustration said Ishwar has committed suicide.

4. Upon perusal of the first information report and the dying-declaration, I hardly see satisfaction of ingredients of section 306 of the Indian Penal Code. In this background, in my opinion, the custodial interrogation of the applicant applicant is not warranted, as there is no motive or intention.

5. In view thereof, the application needs to be allowed. Hence, following order :-

In the event of arrest of the applicant, in connection with C.R. No.163 of 2016, registered with police station Sirsala, Tq. Parli (V), Dist. Beed, for an offence punishable under Section 306 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one or two sureties for the like amount.

The applicant shall attend the Investigating Officer on 7th and 8th February, 2017, between 12.00 noon and 2.00 p.m. and thereafter as and when called.

(3)

The applicant shall not take any steps to influence the prosecution witnesses or tamper with evidence.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj