

(1)

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

CRIMINAL APPLICATION NO.7122 OF 2016

1. Purushottam s/o Rambhau Dhangar,
Age: 43 years, Occ: Labour,
R/o. Waghli, Tq. Chalisgaon,
District Jalgaon.
2. Kailas s/o Jagan Ambhore (Mang),
Age: 39 years, Occ: Labour,
R/o. Gondgaon, Tq. Bhadgaon,
Dist. Jalgaon. ..APPLICANTS

VERSUS

The State of Maharashtra
Through Chalisgaon Police Station,
District Jalgaon. ..RESPONDENT

**WITH
CRIMINAL APPLICATION NO.6996 OF 2016**

Nana @ Gnyaneshwar Bhika Ahire,
Age: 42 years, Occ: Labour,
R/o. Gondgaon, Tq. Bhadgaon,
Dist. Jalgaon. ..APPLICANT

VERSUS

The State of Maharashtra
Through Chalisgaon (Rural)
Police Station, Dist. Jalgaon. ..RESPONDENT

**WITH
CRIMINAL APPLICATION NO.265 OF 2017
IN
CRIMINAL APPLICATION NO. 6996 OF 2016**

Arun s/o Shravan Borse,
Age : 42 years, Occ: Nil,
R/o. Kurhad, Tq. Pachora,
Dist. Jalgaon. ..APPLICANT

(2)

VERSUS

The State of Maharashtra & anr ..RESPONDENTS

WITH

CRIMINAL APPLICATION NO.266 OF 2017

IN

CRIMINAL APPLICATION NO. 7122 OF 2016

Arun s/o Shravan Borse,
Age : 42 years, Occ: Nil,
R/o. Kurhad, Tq. Pachora,
Dist. Jalgaon.

..APPLICANT

VERSUS

The State of Maharashtra & anr ..RESPONDENTS

Mr B.G. Sagade, Advocate for applicants;
Ms R.P. Gour, Addl. Public Prosecutor for
respondent/State
Mr B.S. Deshmukh, Advocate assist to A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 13th JANUARY, 2017

ORDER :

For the reasons stated in Criminal
Application Nos. 265 of 2017 and 266 of 2017
seeking permission to assist the prosecution, same
stand allowed.

2. In Crime No.123 of 2016 registered with
Chalisgaon (Rural) Police Station, District

(3)

Jalgaon, for offences punishable under Sections 306, 504, 506 read with Section 34 of the Indian Penal Code, present applicants are seeking pre-arrest bail.

3. The prosecution story as appears from the investigation papers is, brother of complainant Vishnu was in the business of trading bullocks. It is claimed that applicants Purushottam and Nana through through applicant No. 2 in Criminal Application No. 7122 of 2016 namely Kailas purchased bullocks some three years back, however, has not paid consideration thereof. Got frustrated out of the same, Vishnu – victim in the present case was in bad financial stage, as such, he committed suicide because of the acts on the part of the applicants, resulting into crime in question.

4. Learned Counsel for the applicants, while trying to make out a case for grant of pre-arrest bail, would urge that there is no material on record to infer that there was any transaction,

(4)

however, the fact remains that the applicant Purushottam is very much admitting the transaction between victim Vishnu and himself. According to him, after the transaction in question took place almost three years back and consideration of the bullocks were paid in installments.

5. Apart from above, according to him, there is no material to infer satisfaction of ingredients of Section 306 of the Indian Penal Code, when there is hardly any material to infer that the applicants were in no how of the fact that victim Vishnu is likely to commit suicide because of alleged non payment of consideration of bullocks by the applicants.

6. So far as applicant No.2 namely Kailas is concerned, he is given status of a middleman in the trading of bullocks and there are no direct attribution against him. The first information report also does not speak of direct attributions against applicant Nana in Criminal Application No. 6996 of 2016.

(5)

7. So far as applicant Purushottam is concerned, victim Vishnu, who has chosen his field to be a place where he committed suicide.

8. From the record and investigation papers, what could be inferred is, there is hardly any material to infer that the applicants were in know how about financial condition by deceased Vishnu and Vishnu likely to commit suicide.

9. The investigation does not pinpoint any finger of guilt, particularly no statements of independent witnesses are recorded. Even the first information report is also lodged at belated stage, for which there is no explanation.

10. In the above referred background, the applications need to be allowed.

11. In view of above, the following order is passed : -

(6)

(i) In the event of applicants' arrest in Crime No.123 of 2016 registered with Chalisgaon (Rural) Police Station, District Jalgaon, for offences punishable under Sections 306, 504, 506 read with Section 34 of the Indian Penal Code, they be released on bail, on furnishing P.R. bond of Rs.15,000/- each, with one or two sureties in the like amount.

(ii) The applicants shall attend the concerned police station on 23rd and 24th January, 2017 between 4-00 p.m. to 6-00 p.m. and thereafter as and when called by the Investigating Officer.

(iii) The applicants shall neither influence the prosecution witnesses nor tamper with the prosecution evidence.

9. Criminal Application Nos. 6996 of 2016 and 7122 of 2016 stand allowed in above terms.

(N.W. SAMBRE, J.)