

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2105 OF 2017

Ashok Pandit Shewale & Ors. Applicants
Vs.
The State of Maharashtra Respondent

Mr. Jayendra Khairnar a/w Mr. Vilas Patil i/by Mr. Amey Deshpande
for the Applicants.

Mrs. S.S. Kaushik, APP for the State.
Mr. R.S. Sonate, PSI, Nem Kalwan Police Station, Nasik City.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 15th December, 2017

P.C.:

1 Heard the learned counsel for the applicants and the
learned APP. Perused the papers of investigation.

2 This is an application under Section 438 Code of Criminal
Procedure. The applicants herein are apprehending their arrest in
Crime No.88 of 2017, registered at Kalwan Police Station, District
Nasik, for the offences punishable under Sections 306, 504, 506 read
with 34 Indian Penal Code.

3 It is the case of the prosecution that on 30th October, 2017, Rohini w/o Chetan Shewale lodged a report at the Police Station alleging therein that there was a dispute over the agricultural properties, more particularly about the common well. The applicants and the complainant are close relatives. It appears that the deceased was a second cousin of the applicant herein. It is alleged that on 29th October, 2017, the present applicants had taken away the electric motor and the starter, which was being used for bringing water from the common well. Being annoyed with the same and being fed up with the dispute between the applicants' family and the family of the complainant, Chetan Shewale has committed suicide by setting himself ablaze in the agricultural land. Hence, the applicants are being protected for an offence punishable under Section 306 Indian Penal Code.

4 Perused the papers of investigation. It cannot be said at this stage that the applicants have incited or facilitated commission

of suicide of Chetan. Learned APP submits that the custody of the applicants are required for recovery of electric motor and the wire. However, that cannot be a ground for directing custodial interrogation. Hence, the applicants deserve pre-arrest bail.

5 However, it is made clear that the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

1 The application is allowed.

2 In the event of arrest in Crime No. 88 of 2017, registered at Kalwan Police Station, the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.

3 The applicants shall report to the concerned police station on every Sunday, between 10.30 am. to 1.00 pm., till filing of

the charge-sheet and co-operate with the investigating agency to the best of their capacity.

The application is accordingly disposed of.

(*Smt. Sadhana S. Jadhav, J*)