

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (ABA) NO.323 of 2017

APPLICANT:-

Ashok S/o. Madhavrao Bhole.

VERSUS

NON-APPLICANT:-

The State of Maharashtra,

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri. N. R. Patil, Addl. Public Prosecutor for State.
Shri P. Navlani, Adv. for Applicant.

CORAM : A. S. Chandurkar, J.

DATE : 23.05.2017.

1. By the present application, the applicant seeks protection under Section 438 of the Criminal Procedure Code pursuant to registration of crime No. 44/2017. As per First Information Report lodged on the basis of complaint by one Ramesh Pawar, his sister Vimalbai was married with the Applicant prior to 20 to 22 years. They were having a son. In report, it is stated that on account of harassment rendered by the applicant, the deceased committed suicide.

2. It is submitted on behalf of applicant that there is no previous report of ill-treatment or harassment lodged by the deceased. In-fact, the applicant has been detected with HIV positive and it is perhaps, because of said fact that the deceased committed suicide.

3. The application is opposed by the prosecution by filing reply. It is stated in reply that the applicant did not lodge any missing report though the deceased was not found at home. In para 8 of the reply, the probable reason for committing suicide is stated to be the detection of the applicant's ailment.

4. Considering the fact that the applicant was married almost 22 years ago with the deceased and there is no previous report lodged by the deceased indicating the harassment coupled with the fact that the Applicant has been detected with AIDS, a case for grant of protection from arrest is made out.

5. In view of aforesaid, the applicant, in the event of arrest in Crime No. 44/2017 registered at Police Station, Vasant Nagar, Pusad, Dist. Yavatmal under Sections 306, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code, shall be released on furnishing P.R. Bond to the amount of Rs. 15,000/-.

He shall co-operate with the Investigating Officer and attend the concerned Police Station as per the directions of the Investigating Officer.

No steps shall be taken to influence the prosecution witnesses

Application is allowed.

JUDGE

Gohane