

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

CRI. APPLICATION (BA) NO. 542 OF 2017

(ANANDRAO GYANBARAO PONGADE AND ANOTHER...VS.. STATE OF MAH. THR. P.S.O. PS
VASANTNAGAR, TAH-PUSAD, DIST.YAVATMAL)

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

Court's or Judge's orders

Shri. K. S. Narwade, Advocate for Applicants.
Shri. V. A. Thakare, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 22nd JUNE, 2017.

The learned advocate after arguing for sometime seeks permission to withdraw the application of applicant No.1 with liberty to file fresh application after filing of charge-sheet.

The application of applicant no.1 is dismissed as withdrawn with liberty to file application after the charge-sheet is filed.

Applicant No.2 is arrested on 13th May, 2017 in crime registered against him, his father and his elder brother for the offences punishable under Sections 498-A, 304-B, 306 read with Section 34 of the Indian Penal Code, on the accusation that because of the repeated demand of Rs.80,000/- by the accused from the deceased (wife of elder brother of applicant No.2), the deceased committed suicide by jumping in the well.

From the First Information Report, prima-facie, it

cannot be said that applicant No.2 Sunil is responsible for the incident. Applicant No.2, aged about 28 years, claims to be an agriculturist and has stated that he is not involved in any other crime/offence. The copy of reply filed by the Investigating Agency before the Sessions Court is placed on record at page No.36. From this reply, it cannot be said that the Investigating Agency requires the custody of applicant No.2 Sunil for further investigation.

Considering the facts of the case, following order is passed :

Applicant No.2 – Sunil Anandrao Pongade having been arrested in Crime No.61 of 2017 registered by the non-applicant, he be released on bail on executing P. R. Bond of Rs.25,000/- and furnishing two solvent sureties in the like amount.

The application of applicant No.2 – Sunil Anandrao Pongade is allowed in the above terms.

The application of applicant No.1 – Anandrao Gynbarao Pongade is dismissed with liberty as recorded above.

JUDGE