

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

CRIMINAL APPLICATION (BA) NO.844/2017

Maniklal s/o Kanhaiyalal Athwale and ors. ..vs.. State of Maharashtra thr.
PSO P.S. Paratwada, Tq. Achalpur, Dist. Amravati.

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

Court's or Judge's orders.

Mr. R. J. Shinde, Advocate for applicants.
Mr. R. S. Nayak, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 7, 2017

Heard Mr. R.J.Shinde, Advocate for applicants
and Mr. R. S. Nayak, A.P.P. for non applicant-State.

Learned counsel for the applicant vehemently
submitted that the applicants are falsely implicated in
the crime and in view of the law laid down by the
Hon'ble Apex Court so also various decisions rendered by
this Court, there cannot be a charge against the present
applicants for an offence punishable under Sections 306
of the Indian Penal Code. He therefore submits that the
applicants are required to be released on bail.

The applicants are arrested in connection
with Crime No.412/2017 registered with Police Station,
Paratwada, Dist.Amravati for an offence punishable
under Section 306 read with Section 34 of the IPC.

The application is opposed primarily on the ground that investigation is in progress and charge-sheet is not filed. However, at the same time, the learned A.P.P. fairly states that investigation is already completed and only the formality of filing of the charge-sheet is remained to be done.

The FIR is lodged by one Sau. Ashabai Surajlal Badode in respect of suicide committed by her paternal aunt Ramkala who hanged herself in her house. The FIR states that the present applicants are the neighbours of the deceased and there was a dispute in between them in respect of the adjoining land and as per the FIR, the present applicants used to cause harassment to the deceased and therefore was fed up with such an harassment and she has committed suicide.

The investigation is already over. The applicants, especially applicant nos.3 and 4 are ladies. Looking to the nature of the accusation made in the FIR and other available material on record, I see no reason to continue incarceration of the applicants in jail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.844/2017 is allowed.
- (ii) Applicant no.1-Maniklal s/o Kanhaiyalal Athwale, applicant no.2 Yeonlal @ Kalu s/o Maniklal Athwale, applicant no.3-Sau. Anita w/o Yeonlal @ Kalu Athwale and applicant no.4-Mangla @ Megare w/o

Kalya Kale be released on bail in connection with Crime No.412/2017 registered with Police Station, Paratwada, Dist.Amravati for an offence punishable under Section 306 read with Section 34 of the IPC on they executing P.R. Bond in the sum of Rs.5,000/- each with one solvent surety each in the like amount.

The application stands disposed of.

JUDGE

kahale