

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

CRIMINAL APPLICATION (ABA) NO.737 OF 2017

Yashwant Pandurang Ahirkar, Madheli, Tq. Warora, Dist Chandrapur

-vs-

State of Maharashtra, Thr. PSO, PS Shegaon (Bj), Tah. Warora, Dist.Chandrapur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. V. Sirpurkar, Advocate for applicant.

Shri K. L. Dharmadhikari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : December 05, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.526/2017 registered with Police Station Shegaon (Bj) Tah. Warora, Dist. Chandrapur for the offence punishable under Section 306 of the Indian Penal Code.

As per the First Information Report dated 02/10/2017 the informant has stated that her husband used to do labour work of decoration. In August 2015 her husband had borrowed sum of Rs.1,25,000/- from the applicant herein and in lieu thereof agricultural land was mortgaged. In the report it is further stated that the applicant used to demand the aforesaid amount with interest. On 01/10/2017 the informant's husband stated that the applicant had called him and hence he went to meet the applicant. It was then learnt that her husband consumed poison and committed suicide.

It is submitted on behalf of the applicant that he has been unnecessarily implicated in the offence. He has in fact purchased the land in question as per the registered sale deed executed in his favour. The mutation entries were also effected. The report does not indicate any aspect of abetment on the part of the applicant.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that the applicant has been named in the report and further investigation is yet to be completed. Custodial interrogation of the applicant is therefore necessary.

Perused the Police papers. It is seen that on 21/08/2015 the applicant had purchased agricultural land from the husband of the informant. This was preceded by an agreement in that regard. Mutation entries have also taken place thereafter. The statement of the informant prima facie does not indicate the aspect of abetment. Hence a case has been made out for grant of protection.

Hence in the event of applicant's arrest in connection with Crime No.526/2017 registered with Police Station Shegaon (Bj) Tah. Warora, Dist. Chandrapur for the offence punishable under Section 306 of the Indian Penal Code, he shall be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant shall attend the concerned police station as and when directed by the Investigating Officer. He shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE