

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

CRIMINAL APPLICATION (ABA) NO.418 OF 2018

(Shri Abhijit s/o Shyamsundar Bhandari ..vs.. State of Maharashtra, through PSO Vasantnagar, Pusad)

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

Court's or Judge's orders

Shri Parijat Pande, Counsel for the applicant,
Shri V.A. Thakare, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 03-07-2018

The applicant is apprehending arrest in Crime 159/2018 registered at Vasantnagar Police Station, Pusad for offence punishable under Sections 306 and 506 of the Indian Penal Code.

2. The applicant is the President of the Sant Gajanan Maharaj Shikshan Sanstha. The deceased was working as a Peon/Lab Assistant in Ayurvedic Mahavidyalaya, Pusad which is an institution managed by Shri Gajanan Maharaj Sanstha. The case of the prosecution is that Sanjay Deshmukh consumed poison on 04-4-2018 and succumbed while undertaking treatment at Medical Hospital, Pusad, on 26-4-2018. Since the deceased was unconscious till his death, the prosecution could not record the dying declaration. However, a suicide note was recovered in which the deceased stated that the President of the society is harassing him since one year and is not paying salary.

3. I have perused the suicide note. It is difficult to observe, even *prima facie*, that the applicant intended to push or drive the deceased to take the extreme step. Moreover, it is not even the case of the prosecution that custodial interrogation is necessary. In the light of the accusations and the material on record and since custodial interrogation is not necessary, the application is allowed.

4. The interim order dated 19-6-2018 is confirmed subject to the modification that the applicant shall attend Vasantnagar Police Station, Pusad as and when called upon to do so by the Investigating Officer.

JUDGE

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