

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

CRIMINAL APPLICATION (ABA) NO.240/2019

Nainsy wd/o Levin alias Sonu Alexander .vs. The State of Maharashtra
through PSO P.S. Jaripatka

AND

CRIMINAL APPLICATION (ABA) NO.241/2019

Archana w/o Subodh Jacob .vs. The State of Maharashtra through
PSO P.S. Jaripatka

AND

CRIMINAL APPLICATION (ABA) NO.242/2019

Subodh s/o Nelson Jacob .vs. The State of Maharashtra through
PSO P.S. Jaripatka

AND

CRIMINAL APPLICATION (ABA) NO.243/2019

Joshwa s/o Subodh Jacob .vs. The State of Maharashtra through
PSO P.S. Jaripatka

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

Court's or Judge's orders.

Mr. S. R. Shinde, Advocate for applicants.

Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 23, 2019

These four applications are filed by the different applicants seeking relief of pre-arrest bail from this Court. Since these four applications are arising from the same crime, they are decided by this common order.

Applicants are apprehending their arrest in connection with Crime No.99/2019 registered with Police Station, Jaripatka, Nagpur for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

The FIR is lodged by Banti Louis Alexander, father of deceased whose name was Levin alias Sonu.

Applicant in Criminal Application No. 240/2019 Nancy is widow of Levin alias Sonu. Applicant in Criminal Application No.241/2019, Archana is mother in law of the deceased. Applicant in Criminal Application No.242/2019, Subodh is father in law of the deceased, whereas applicant Joshwa in Criminal Application No.243/2019 is brother in law of the deceased.

Heard learned A.P.P. Perused reply filed on behalf of State and also perused case diary produced before me.

Case diary contains statements of near relatives of the deceased. It shows that marriage between deceased and Nancy was a love marriage and after marriage, couple used to reside separately from other applicants. Gist of prosecution case is that all applicants used to demand money from deceased to square off the loans taken. From reply, it is clear that investigation is almost over and only formality of filing of charge-sheet is remained to be done.

In my view, prima facie, there is no tincture of abetment in the entire prosecution case. Of course, it will be open for the prosecution to prove said aspect during the course of trial.

All the applicants were granted interim bail, on a condition that they shall attend Police Station, Jaripatka and accordingly all the applicants have joined the investigation.

In view of the fact that the prosecution case does not disclose any overt act or commission on behalf of any of

applicants from which it could be said that they have abetted the deceased to commit suicide. In my view, the applicants deserve protection from this Court. Consequently, I pass the following order.

ORDER

- (i) The applications are allowed.
- (ii) In the event of arrest in connection with Crime No. 99/2019 registered with Police Station, Jaripatka, Nagpur for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code, applicants-Nainsy wd/o Levin alias Sonu Alexander, Archana w/o Subodh Jacob, Subodh s/o Nelson Jacob and Joshwa s/o Subodh Jacob, be released on bail on they executing P.R. Bond in the sum of Rs. 25,000/- each with one solvent surety each in the like amount.
- (iii) Applicants-Subodh and Joshwa are directed to remain present in Police Station as and when they are called by investigating officer, however, for that the investigating officer shall give a clear cut three days written communication to them.

The applications are disposed of.

JUDGE