

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

CRIMINAL APPLICATION (ABA) NO.359/2019

Amol s/o Wasudeo Raipure .vs. State of Maharashtra through PSO P.S.
Chandrapur City, Tq. Dist. Chandrapur.

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

Court's or Judge's orders.

Mr. A. R. Wagh, Advocate for applicant.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : AUGUST 28, 2019

Heard Mr.Wagh, learned counsel for applicant
and Mr. Khan, learned A.P.P. for non applicant-State.

Applicant is apprehending his arrest in connection
with Crime No.343/2019 registered with Police Station,
Chandrapur (City), Tq. Dist. Chandrapur for an offence
punishable under Sections 306 read with Section 34 of the
Indian Penal Code.

First Information Report is lodged by Smt. Rasika
Ashok Nimsarkar, who is mother of deceased Jayanti.
Report is lodged on 17.04.2019. Jayanti, the deceased
committed suicide on 06.04.2019 by consuming poison. The
printed FIR placed on record does not show any explanation
for lodging report belatedly.

As per FIR, applicant and deceased are cousins. First informant lost her husband in the year 2018. According to FIR, Jayanti and the present applicant were in love with each other and the said fact was known to the first informant. According to FIR, applicant used to ask deceased to bring Rs.10,00,000/- and used to ask the first informant that she shall permit him to take compassionate employment in place of her deceased husband. It was refused and therefore, Jayanti has committed suicide.

The law on abetment is well crystallized. In my view, perusal of the case diary as well as FIR does not show any of the ingredients by which it could be said that applicant has instigated and/or abetted the deceased to commit suicide.

In that view of the matter, the order dated 14.06.2019 granting ad interim bail in favour of applicant by this Court (Coram Manish Pitale, J.) is required to be confirmed. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.343/2019 registered with Police Station, Chandrapur (City), Tq. Dist. Chandrapur for an offence punishable under Sections 306 read with Section 34 of the Indian Penal Code, applicant-Amol s/o Wasudeo Raipure, be released on bail on

he executing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station, Chandrapur (City), as and when called by the investigating officer. However, for that the investigating officer shall give clear cut 48 hours written notice to the applicant.

The application is disposed of.

JUDGE

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