

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

CRIMINAL APPLICATION (ABA) NO.439/2019

Purushottam Rambhau Wasu and ors

..VS..

State of Mah., thr. PSO PS Khamgaon Gramin, Taluka Khamgaon, District
Buldana

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

Court's or Judge's Order

Shri Rahul Tajne, Counsel for the Applicants.
Shri V.P.Gangane, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 19, 2019.

1. Heard learned counsel Shri Rahul Tajne for the applicants and learned Additional Public Prosecutor Shri V.P.Gangane for the State.
2. The applicants are apprehending their arrest in connection with Crime No.167/2019 registered with Khamgaon Police Station (Rural), District Buldana for offence under Section 306 read with Section 34 of the Indian Penal Code and, therefore, they are before this Court and praying that pre-arrest bail be granted in their favour.
3. Crime is registered on the basis of report lodged by Rameshwar Pandurang Badhe, the father of deceased whose name was Baliram. Report is lodged on 21.6.2019.
4. Sum and substance of the First Information Report is that 28.4.2012 Baliram's marriage was performed with daughter of present applicant No.1 Poonam who is also

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one of accused in crime. Applicant Nos.2 and 3 are cousins of co-accused Poonam.

5. According to the First Information Report, the applicants, Poonam and, her mother, who is also one of accused, used to demand money from Baliram for performing marriage of Poonam's younger sister and since Baliram was unable to fulfill that demand, there was consistent demand which ultimately resulted into commission of suicide on 2.4.2019.

6. With assistance of learned Additional Public Prosecutor Shri V.P.Gangane for the State, I have gone through case diary of crime. From case diary, it is clear that on 2.4.2019 itself a suicide note was seized from pocket of deceased wherein allegations are made against the applicants and other accused persons.

7. Here, it is to be observed that Poonam and her mother were already released on bail by learned Judge of Court below.

8. Though allegations were appearing in suicide note found in pocket of deceased, for the reasons best known, the First Information Report is lodged 21.6.2019 and *prima facie* there appears no explanation in entire case diary for the same.

9. On 8.7.2019 this Court (Coram : Manish Pitale, J.) was pleased to grant *ad interim* anticipatory bail in favour of the present applicants with directions that they shall attend police station and extend cooperation to

Investigation Officer. In pursuance to that, undisputedly the applicants attended police station and extended cooperation.

10. Though in reply it is stated that on the first Sunday the applicants did not attend police station, perusal of reply shows that reply is drafted prior to first Sunday. However, during course of oral submission, learned Additional Public Prosecutor Shri Gangane, submitted that the applicants attended police station.

11. Case papers show investigation is almost over. Document i.e. suicide note is already seized on 2.4.2019.

12. In view of the aforesaid circumstances, I am of the view that personal liberty can be protected by confirming order passed by this Court on 8.7.2019.

13. Consequently, the present application is allowed. Order dated 8.7.2019 is made absolute. The criminal application stands disposed of as such.

JUDGE

!! BRW !!

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