

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

CRIMINAL APPLICATION (ABA) NO.788/2019

Haridas Nmadeo Sapkal and anr. .vs. State of Maharashtra through PSO
P.S. Tamgaon, Tq. Sangrampur, Dist. Buldhana.

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

Court's or Judge's orders.

Mr. G. G. Mishra, Advocate for applicants.
Mr. N. R. Rode, A.P.P. for non applicant no.1-State.
Mr. A. S. Tiwari, Advocate assisting the prosecution.

CORAM : V. M. DESHPANDE, J.

DATED : DECEMBER 09, 2019

Criminal Application No.1887/2019

This is an application for assisting the prosecution, filed by original complainant.

For the reasons stated in the application, the application is allowed.

Mr. Tiwari, Advocate is permitted to assist the prosecution.

The application is disposed of.

Criminal Application (ABA) No.788/2019

Heard Mr. Mishra, learned counsel for applicants, Mr. Rode, learned A.P.P. for non applicant no.1 and Mr. Tiwari, learned counsel assisting the prosecution. Also perused the reply.

Applicants are apprehending their arrest in connection with Crime No.262/2019, registered with Police

Station, Tamgaon, Tq. Sangrampur, Dist. Buldhana, for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

Deceased is Shobha. She was second wife of applicant no.1-Haridas and applicant no.2-Sachin is son of Haridas from his first wife. The deceased is having one daughter by name Bhavika from her first husband-Ambadas, who is real brother of applicant no.1-Haridas. According to report lodged by complainant-Gajanan, applicants used to ask deceased Shibha to transfer 6 Acre land which was allotted to Bhavika, after death of her father Ambadas. According to report, fed up with that, Shobha has committed suicide.

Learned counsel for applicants invited my attention to page nos.12 to 15, medial papers of deceased Shobha, which show that deceased was taking treatment from psychiatrist. The said aspect is not at all denied by the prosecution.

Further, investigation papers and reply would show that before committing suicide, Shobha executed suicide note. The said suicide note is part and parcel of investigation papers. Perusal of said suicide note would show that on her own, the deceased has committed suicide.

This Court has granted interim protection to applicants on 25.11.2019 on a condition that they shall attend Police Station on the dates mentioned in the said order. Learned A.P.P. would submit that accordingly, the applicants have attended Police Station and have joined the

investigation.

Looking to the aforesaid nature of facts involved in the present case, I am of the opinion that the applicants can be released on bail by exercising discretion in their favour. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.262/2019, registered with Police Station Tamgaon, Tq. Sangrampur, Dist. Buldhana, for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code, applicant no.1-Haridas Namdeo Sapkal and applicant no.2-Sachin Haridas Sapkal, be released on bail in on they executing P.R. Bond in the sum of Rs.10,000/- each with one solvent surety each in the like amount.
- (iii) Applicants shall attend Police Station, Tamgaon, Tq. Sangrampur, Dist. Buldhana, as and when directed by the investigating officer. However, for that the investigating officer shall give clear cut two days written communication to the applicants.

The application is disposed of.

JUDGE