

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (ABA) NO. 296/2020
(Jugal s/o Khemchand Agrawal vs. State of Maharashtra: Through PSO
P.S. Hingna, Dist. Nagpur)

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

Court's or Judge's order

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 Mr. P.R. Agrawal, Advocate for the applicant
 Ms. Shamsi Haider, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 21st December, 2020

Heard learned counsel for the respective parties. The applicant has applied for pre-arrest bail for the offence punishable under section 306 read with section 34 of the Indian Penal Code, in regard to Crime No. 424/2020.

The prosecution case in nutshell is that on 4.7.2020, the report was lodged by Mahesh@Vicky Ramesh Zodape with Hingna Police Station, Nagpur, stating that his father was carrying on the business of building construction and property dealing. It is alleged that the applicant had not paid the amount for work done by the deceased so also, he threatened to kill the deceased. Due to the said harassment by the applicant and others, the father of the complainant committed suicide on 11.3.2018. On that day, the dead body of the deceased was found by the Investigating agency at Hingna on Mihan Highway. A suicide note was found with the dead body of the deceased, in which it was mentioned that the applicant has cheated the deceased by not paying the amount of Rs. 5 lakhs, therefore, he took the extreme step of suicide.

Mr. PR. Agrawal, learned Advocate for the applicant vehemently argued that there is an inordinate delay of about two years in lodging the FIR after the death of deceased. He contended that in fact the applicant had lodged the complaint against the deceased on 16.1.2016 for offence punishable u/ss. 420,467,468,471 read with section 34 of the IPC, as the deceased had sold out the property to the applicant by impersonation.

The learned APP fairly submitted that the applicant has been cooperating with the investigating machinery and all the concerned documents have been taken charge from him and he is attending the Police Station regularly.

In view of the categorical statement made by learned APP on instructions from the investigating officer, Hingna Police Station, there is no hurdle in confirming the interim bail which was granted by this Court on 28.7.2020. In view thereof the following order is passed :

ORDER

The order dated 28.7.2020 is hereby confirmed, except the condition that the applicant shall attend the concerned Police station on every Sunday in between 10.00 am to 12.00 noon, till further orders. Instead, a condition is imposed that the applicant shall attend the Police Station as and when required by the Investigating agency.

The Criminal Application stands disposed of.

Needless to mention, Criminal APPP No.587/2020 does not survive, in view of the disposal of the main Application. The same is disposed of.

JUDGE

sahare