

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 967 OF 2020

(Kashinath s/o Shyamrao Shinde, Yavatmal Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri V.N. Patre, Advocate for the applicant.
Shri N.H. Joshi, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2020.

Heard Shri Patre, learned counsel for the applicant and Shri Joshi, learned A.P.P. for the non-applicant through Video Conferencing.

2. The applicant is said to be arrested on 03/07/2020 in connection with Crime No. 245/2020 dated 23/05/2020 registered at Police Station, Umarkhed, District Yavatmal for the offences punishable under Sections 306 and 506 read with Section 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 20/05/2020, a quarrel took place between the present applicant and the deceased Dnyaneshwar and his brother Vishnu – the informant on the issue of right of way to the field. Thereafter, the informant and his mother went to the Tahsil office while the deceased stayed in the field. After some time, when the informant returned to the field, he found his brother hanging on a lemon tree situated in the field

of the applicant. Hence, a report came to be lodged against the present applicant.

4. A bare perusal of the application, affidavit-in-reply and the documents annexed does not reflect any direct act of instigation or abetment on part of the present applicant to commit suicide. Rather it appears that by fed-up with the continuous quarrel with the present applicant in relation to right of way in the field, the deceased committed suicide.

5. In the given facts, so also considering the fact that the investigation is almost completed and chargesheet is likely to be filed in the near future, this Court is of the opinion that the applicant, being a farmer having no past criminal antecedents, can be released on bail. Hence, I proceed to pass the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- iii) The applicant shall not leave the local jurisdiction without prior intimation to the concerned Police Station.
- iv) The applicant shall not in any manner tamper with the evidences.

6. The Criminal Application is disposed of accordingly.

7. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

Sumit