

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

CRIMINAL APPLICATION (ABA) NO. 362 OF 2020

(Ankush s/o Kashinath Shinde ..vs.. State of Maharashtra, through PSO, PS Umarkhed)

WITH

CRIMINAL APPLICATION (ABA) NO. 448 OF 2020

(Gangadhar s/o Uttamrao Shinde ..vs.. State of Maharashtra, through PSO, PS Umarkhed)

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

Court's or Judge's orders

Mr. V.N. Patre, Counsel for the applicants,
Mr. M.K. Pathan, Addl.P.P. for the non-applicant in ABA 362/20,
Mrs. S.S. Jachak, Addl.P.P. for the non-applicant in ABA 448/20.

CORAM : ROHIT B. DEO, J.

DATED : 10-12-2020

Heard.

2. The applicants are apprehending arrest in Crime 245/20 registered with Umarkhed Police Station for offences punishable under Sections 306 and 506 read with Section 34 of the Indian Penal Code.

3. Four accused are arraigned in the crime on the basis of report dated 23-5-2020 lodged by Mr. Vishnu Kadam, the brother of the deceased Dnyaneshwar.

4. Kashinath who is arraigned as accused 1 is arrested and released on bail by this Court. Sushila who is arraigned as accused 2 is granted pre-arrest protection by this Court.

5. I have perused the case diary minutely. It appears that there is a dispute pending before the

Revenue Authorities concerning the right of way to agricultural field. The recorded owner of the field in question is Kashinath. The deceased has penned as many as four suicide note, the reading of which certainly evokes mixed feelings of sympathy and sadness. The deceased has penned that the continuous harassment and quarrels touching the right of way and the conduct of the four accused has left him with no option but to take extreme step. However, the crucial question is whether the acts alleged constitute abetment. *Prima facie* while the acts attributed to Kashinath may constitute abetment in the sense that time and again Kashinath allegedly threatened the deceased and his family members, the womenfolk were abused, and generally life was made hell for the applicants. This is, however, best left to the trial Court since Kashinath is granted regular bail and is not before this Court. However, in so far as applicant Ankush and Gangadhar are concerned, I have not come across such overt act as would constitute instigation. In this view of the matter and particularly in view of the fact that custodial interrogation is not necessary, I am inclined to make the interim protection granted vide orders dated 18-8-2020 and 04-8-2020 absolute with the only modification that the applicants shall attend the concerned police station, till filing of the charge-sheet, as and when directed by the Investigating Officer.

JUDGE