

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

CRIMINAL APPLICATION (ABA) NO. 577 OF 2020

(Sahadeo s/o Bhimarao Gosavi and others ..vs.. State of Maharashtra, through PSO Bhandara)

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

Court's or Judge's orders

Mr. A.G. Hunge, Counsel for the applicants,
Mrs. S.S. Jachak, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 21-10-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicants are seeking pre-arrest protection in Crime 750/2019 registered with Police Station Bhandara for offences punishable under Sections 363, 506 and 305 read with Section 34 of the Indian Penal Code.

4. The dead body of Vijesh Gosavi was found in the river bed of Vainganga on 30-10-2019. Initially, offences punishable under Sections 363 and 506 read with Section 34 of the Indian Penal Code was registered. During the investigation, it was revealed that the deceased was having an extra marital affair with the wife

of applicant 2-Devdatt. The version of the prosecution is that in the month of August 2019, the deceased and the wife of applicant 2-Devdatt eloped and went to Wai, District Satara. The lady returned to Nagpur after two months and started residing with her mother. The deceased and his family went to Raipur on 25-10-2019 to settle there permanently. According to the prosecution case, applicant 2-Devdatt made enquiries and found out that the deceased was in Raipur. A criminal conspiracy was hatched to teach a lesson to the deceased. Except applicant 2-Devdatt, the accused and one juvenile-in-conflict went to Raipur. Devdatt did not go to Raipur since there was a difference of opinion between him and Sahdeo and ultimately it was decided that Sahdeo and the others will go to Raipur and bring the deceased and that applicant 2-Devdatt would go back to Nagpur. It is in view of the said understanding, that applicant 2-Devdatt alighted from the car at Trimurthy Square, Bhandara, and the rest of the accused went to Raipur, took the deceased and headed towards Nagpur. The prosecution case is that the deceased was intoxicated and taking undue advantage of the intoxicated state of the deceased, he was goaded to commit suicide.

5. Considering the nature of the allegations, I am not inclined to grant pre-arrest protection. It would be impossible to unravel the various facets of crime if the accused are granted pre-arrest protection. The allegation

is serious. Conviction may entail life imprisonment since instigating an intoxicated person to commit suicide attracts Section 305 of the Indian Penal Code. No case is made out for exercise of discretion. The application is dismissed.

JUDGE

adgokar

**Prafulla
Adgokar**

Digitally signed
by Prafulla
Adgokar
Date: 2020.10.22
14:41:40 +0530