

Dashrath Namdeo Mohite and Others ...Applicants
vs.
State of Maharashtra ...Respondent

VISHAL
SUBHASH
PAREKAR

CORAM : N. J. JAMADAR, J.
DATE : SEPTEMBER 04, 2021

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Date: 2021.09.13
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1. This is an application for pre arrest bail in connection with C.R. No. 505 of 2019 registered with Miraj Rural police station, for the offences punishable under section 306, 504 and 506 read with 34 of Indian Penal Code, 1860 (the Penal Code).

2. The indictment against the applicants and co-accused is that father of the first informant committed suicide on 13th October, 2019. A suicide note was found. It contained allegations against a number of persons including the applicants to the effect that the deceased was harassed over a false prosecution initiated against the deceased for the offences punishable under the provisions of Protection of Children From Sexual Offences Act. The deceased had allegedly advanced a sum of Rs. 1 lakh to Mr. Pandurang Mohite.

The later declined to repay the amount. When the deceased insisted for repayment of the said amount, the deceased was assaulted by Pandurang Mohite and his associates. When the deceased approached Miraj Rural police station to lodge report, Pandurang Mohite engineered a false report against the deceased to the effect that the deceased committed rape on the minor daughter of Pandurang Mohite. The said Pandurang Mohite and his associates, allegedly demanded a sum of Rs. 20 lakhs and also put a condition that the deceased should leave village Aarag, to withdraw the said prosecution. On account of the persistent harassment, the deceased allegedly committed suicide.

3. By an order dated 25th November, 2019 this Court had granted ad-interim relief. It was noted that the applicants came to be impleaded being the relative of the said Pandurang Mohite. In the backdrop of the nature of the accusation, the Court was persuaded to grant interim protection.

4. Evidently, the allegations are made against a number of persons. The role attributed to the applicants is that of being an associate of the said Pandurang Mohite. It is a matter of record that a prosecution was pending against the deceased for the offences

punishable under POCSO Act. Even if the allegations in the F.I.R are taken at par, the element of abetment to commit suicide can not be said to have been firmly made out against the applicants. In this view of the matter, the custodial interrogation of the applicants does not seem to be warranted. The applicants also appear to have roots in society.

5. Having regard to the time which has elapsed since the date of the passing of the interim order, at this juncture, it would be expedient in the interest of justice to allow the application and confirm the interim order. Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The interim order dated 25th November, 2019 stands confirmed on the same terms and conditions.
- 3] In addition, the applicants shall regularly attend the proceeding arising out of first information report No. 505 of 2019 before the concerned Court.
- 4] The application stands disposed of.

(N. J. JAMADAR, J.)