

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (ABA) NO.15 OF 2021**

Amar Madhukar Wetti Vs. State of Maharashtra, through PSO, Police Station
Gadchandur, District Chandrapur

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

Court's or Judge's orders.

Shri A.A. Naik, Advocate for applicant.
Ms Shamshi Haider, APP for non-applicant/State.

CORAM : N. B. SURYAWANSHI, J.

DATE : 25th JUNE, 2021.

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

(2) The applicant apprehends his arrest in Crime No.422 of 2020 registered with Police Station, Gadchandur, District Chandrapur for the offence under Section 306 read with Section 34 of the Indian Penal Code.

(3) It is the case of the prosecution that the applicant had illicit relations with the wife of the deceased due to which the deceased was fed-up and he ultimately committed suicide on 03.07.2020. Merg came to be registered on the information given by Siddheshwar Kendre, the brother of the deceased in respect of the suicide committed by his brother Rameshwar Kendre. During the course of inquiry in Merg, present offence was allegedly disclosed and accordingly F.I.R. is lodged by the Investigating Officer.

(4) The learned Advocate for the applicant has pointed out that the co-accused in the present matter, wife of the deceased, is released on anticipatory bail by the

learned Sessions Court in Misc. Criminal Application No.14 of 2021 on 22.02.2021.

(5) Heard the learned Advocate for the applicant and the learned Additional Public Prosecutor for non-applicant/State and perused the Case Diary. Taking into consideration the material collected during the course of investigation, *prima facie*, in my opinion, no case of abetement is made out against the applicant. The offence is registered in the month of December, 2020 and the investigation appears to be almost complete. Pre-trial custodial detention of the applicant in facts of the present case is therefore not warranted. The applicant was granted interim protection vide order dated 13.01.2021 and the applicant has attended the Police Station and cooperated in the investigation.

(6) In view of the above circumstances, the applicant is entitled for bail. Hence, Criminal Application (ABA) No.15 of 2021 is allowed by confirming the order dated 13.01.2021 with a condition that till filing of the charge-sheet the applicant shall attend the concerned Police Station as and when called by the Investigating Officer.

(7) The applicant shall not tamper the prosecution evidence.

(8) The observations made in this order are *prima facie* and the Trial Court shall not be influenced by the same at the time of trial.

(N. B. SURYAWANSHI, J.)

Wagh