

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

CRIMINAL APPLICATION (ABA) NO. 497 OF 2021

Shivanand S/o Subhash Pawar and others

...Versus...

State of Maharashtra Through Police Station Officer, Police Station Janephal,
Tahsil Mehkar, District - Buldana

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

Court's or Judge's orders

Shri R.M. Daga, and Shri Vishnushree.P Modi, Advocates for applicants
Shri S.D. Sirpurkar, A.P.P for non-applicant/State

CORAM : VINAY JOSHI, J.

DATE : 24/09/2021

Heard both sides and perused case diary.
The report has been lodged that due to harassment meted out by applicants and co-accused Kavarsingh, son of informant committed suicide. It reveals from the statement that co-accused – Kavarsingh has threatened deceased on account that deceased used to talk on telephone with the wife of Kavarsingh. There is a general statement that applicants have also threatened deceased on account of dispute between him and Kavarsingh. The prosecution has relied on the recorded message of deceased himself wherein he stated that by getting rid of harassment of applicants he is committing suicide.

2. *Prima facie*, there is no material to indicate that applicants have intentionally instigated

deceased to commit suicide. There is no just reason for custodial interrogations of applicants.

3. In view of above circumstances and for the reasons stated by this Court in order dated 09/08/2021, the applicants' liberty can be protected on certain terms. In view of above, the following order:

(i) Criminal application is allowed and disposed of.

(ii) Ad-interim order dated 09/08/2021, is hereby made absolute on same terms and conditions.

(iii) Henceforth, the applicants shall attend concerned Police Station on every Sunday between 11.00 am. to 2.00 pm. till filing of the charge-sheet or for the period of three months whichever is earlier.

JUDGE