

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

**CRIMINAL APPLICATION (ABA) NO. 529 OF 2021**

Smt. Gangabai @ Anita w/o Mahadev Bharsakale and others

...Versus...

State of Maharashtra, P.S.O., P.S. Tamgaon, Tah. Sangrampur, Distt. Buldhana

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

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Court's or Judge's orders

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Shri S. Raisuddin, Advocate for applicants  
Shri. Anand M. Deshpande, A.P.P for non-applicant/State

**CORAM : VINAY JOSHI, J.**

**DATE : 14/09/2021**

Applicants are apprehending their arrest in Crime No. 135/2021 registered with Tamgaon Police Station, District - Buldhana, for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. The State has resisted bail by filing reply affidavit.

3. Husband of deceased lady lodged report regarding the occurrence. He stated that applicant Nos. 1 and 2 were harassing his wife by alleging that she was having illicit relations with applicant No.3 – Mahadev S/o Rajaram Bharsakale, who is husband of applicant No.1. Particularly it is stated that on 03/04/2021 applicant Nos. 1 and 2 met deceased in Weekly Bazar, where they abused deceased by repeating their allegation about illicit relations. After the said incident deceased lady consumed poisonous substance and

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committed suicide. The informant also stated that deceased while under treatment informed the occurrence which took place in Weekly Bazar.

4. Perused case papers and heard both sides. There are over all vague allegations about illicit relations of deceased with applicant No.3. Though the incident dated 03/04/2021 has been stated, however it is a matter of trial whether it amounts to sufficient instigation to commit suicide. Moreover, after one and half month from the death of his wife, report has been lodged. Nothing is to be seized from the applicants. Having regard to above circumstances applicants have made out a case for grant of pre-arrest protection. In view of that following order:

### **ORDER**

- (i) Criminal application is allowed and disposed of.
- (ii) Ad-interim order dated 23/08/2021 is hereby made absolute on same terms and conditions.
- (iii) Applicants shall continue to attend Police Station till filing of the charge-sheet or for the period of six months from today whichever is earlier.

**JUDGE**