

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

CRIMINAL APPLICATION (ABA) No. 639/2021

(Kavarsingh Jaysingh Chavan Vs. State of Maharashtra)

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

Court's or Judge's orders

Mr. R.M. Daga, Advocate for the applicant.
Mr. S.D. Sirpurkar, APP for the non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 08-10-2021

1. Heard.
2. In anticipation of arrest in Crime No.248/2021 registered with Police Station, Janephal, Tq. Mehkar, District Buldhana, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, the applicant is praying for pre-arrest protection.
3. The applicant has also prayed for grant of interim protection.
4. It is the prosecution that deceased Milan and the applicant Kavarsingh are nearby resident. Deceased used to talk on mobile phone with the wife of applicant. Hence, the applicant used to quarrel and threatened deceased. On 10.7.2021, the applicant threatened deceased at the instance of deceased talking with his wife and on the same day in the evening the deceased

committed suicide by hanging. Before taking extreme step, the deceased made a video recording at his own mobile phone wherein he has stated that by getting rid of harassment of the applicant and co-accused, he is committing suicide.

5. Perused the case diary, particularly statement of the informant, who is the father of deceased. A bare reading of statement gives impression that the deceased was frequenting on mobile phone with the wife of the applicant. Naturally for the said reason, the applicant was scolding the deceased and had quarreled with him. As per report, some time, the applicant also threatened deceased for dire consequences, obviously, with a view to desist from such activities. For the sake of order, even if it is assumed that applicant has threatened the deceased, however, the reason is apparent that the deceased was talking with his wife. Whether the act of the applicant of threatening deceased, for said reason, amounts to abatement is a question to be decided in trial.

6. Having regard to the nature of accusation, nothing is to be seized. Already handset (mobile) of the deceased is taken in charge by police.

7. In view of above, the applicant's liberty can be protected on certain terms. Hence, I pass the following order:-

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant – Kavarsingh Jaysing Chavan, he be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.
- (iii) The applicant shall attend concerned Police Station on every Sunday in between 12.00 a.m. to 02.00 p.m. till filing of charge-sheet or for the period 90 days, whichever is earlier.
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

ambulkar