

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

911 ANTICIPATORY BAIL APPLICATION NO.391 OF 2021

1. LIMBRAJ RAMCHANDRA JADHAV
2. JYOTI LIMBRAJ JADHAV
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Thombre S. S.
APP for Respondent-State : Mr. V. M. Kagne.

...

CORAM : S. G. MEHARE, J.
DATE : 23.08.2022

PER COURT :-

1. Heard the learned counsel for the applicants and learned APP for the respondent-State.

2. The prosecution has a case that the present applicants are the President and Secretary of the Education Society running a school. The deceased was employee, however, the present applicants were demanding him money for disbursing the salary out of 20% grant. Subsequently, the applicants have transferred their institution to another person. The another management was also demanding him money. He could not pay the money demanded by the other co-accused. Therefore, he collapsed. There are no acts of committing suicide by the deceased. He would submit that the deceased died due to

cardiac arrest. Therefore, Section 306 of the IPC would not attract. The co-accused have already been released on bail by this Court.

3. Learned APP has fairly conceded that the deceased died due to cardiac arrest. Therefore, it is a question of fact whether Section 306 of the IPC would attract or not.

4. Apparently, the prosecution has no case constituting an offence punishable under Section 306 of the IPC. That apart, at the relevant time, the deceased was not the employee of the applicants. Considering the allegations and the nature of the offence, this Court is of the view that this is a fit case for anticipatory bail. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the applicants No.1 LIMBRAJ RAMCHANDRA JADHAV and 2. JYOTI LIMBRAJ JADHAV by an order dated 09.04.2021 stands confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

...

vmk/-